

**ORDINANCE NO. 1917**

**AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION AND REPAIR OF SIDEWALKS.**

**THE CITY OF WOODBURN ORDAINS 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) Sidewalks. The part of the street right-of-way or an easement which contains a walking structure between the curb lines on the pavement or gravel edge of a roadway and the adjacent property lines, including the driveway approach.
- (3) Major construction. Work that requires new construction or alteration and repair of more than 50% of the existing or future sidewalk area.
- (4) Minor construction. Work that requires alteration or repair of less than 50% of the existing sidewalk area.

**Section 2. Duty to Repair Sidewalks.** The owner of land adjoining a city street shall maintain in good repair the adjacent sidewalk whenever it becomes damaged or deteriorated in any way.

**Section 3. Liability for Sidewalk Injuries.**

- (1) The owner of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of failure of the owner to maintain the sidewalk in good condition.
- (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 ordinance imposes, the person shall reimburse the City for the amount of damages thus paid and the attorney fees and costs of defending against the claim of damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

**Section 4. Standards and Specifications.** Sidewalks shall be constructed, altered and repaired in accordance with City standards and specifications.

**Section 5. Submission of Plans.** No person shall construct, alter or repair a sidewalk within the City without first making application for a permit and submitting the plans for the proposed work. The application shall be made to the City Engineer's office, and all applicable standards and specifications established under Section 4 shall be met by the plans, and thereafter the City Engineer or designee may issue a permit for the proposed work. There will be no charge for the permit.

## Woodburn Ordinances

2-11.6

2-11.10

**Section 6. Supervision of Work.** The property owner or agent thereof, may perform construction, alteration or repair of sidewalks after obtaining a permit from the City Engineer's office. The City Engineer or designee may inspect any materials and construction details as in the Engineer's judgment may be necessary to insure compliance with the applicable standards and specifications.

**Section 7. Notice to Repair or Make Alterations.**

(1) When major construction is involved the Council shall, by motion, direct the City Engineer to issue a notice.

(2) When minor construction is involved and the repair or alteration is brought to the City Engineer's attention, the Engineer may issue a notice directly.

(3) The notice shall require the owner of the property adjacent to the sidewalk to complete the work within 60 days after service of notice. The notice shall also state that if the work is not completed by the owner within the 60-day time period, the City may complete it and assess the cost against the property adjacent to the sidewalk.

(4) The City Engineer shall cause a copy of the notice to be served upon the owner of the property adjacent to the 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 City Engineer 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.

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

**Section 8. City May Alter or Repair Sidewalk.** If the sidewalk alteration or repair is not completed within 60 days after service of the notice, the City may complete it. Upon completion of the project, the City Engineer shall submit a report to the Council. The report shall contain an itemized statement of the cost of the work.

**Section 9. Assessment for Sidewalk Work Done by City.** Upon receipt of the report, the Council, by ordinance, shall assess the cost of the work against the property adjacent to the 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 10. Sidewalk Construction Requested by the Property Owner.** If a property owner petitions the Council for an order to build a sidewalk on the part of the street abutting his or her 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 223.295), waives the right of service and publication of notice of construction, and consents to the assessment of the property upon which the sidewalk abuts, the

## Woodburn Ordinances

2-11.11

2-11.13

Council may order the construction of the requested sidewalk, if in its judgment the sidewalk should be built.

**Section 11. Penalty.** A violation of any section of this ordinance constitutes a class 1 civil infraction and shall be handled according to the procedures established by ordinance relating to civil infractions.

**Section 12. Severability.** Each portion of this ordinance constitutes a class 1 civil infraction and shall be handled according to the procedures established by ordinance relating to civil infractions.

**Section 13. Repeal.** Ordinance No. 778 (enacted February 3, 1942) is repealed.

Passed by the Council July 8, 1985 and approved by the Mayor July 9, 1985.