

(STREET/UTILITY DESIGN AND CONSTRUCTION STANDARDS)

3.300 Public Works Standards.

(1) All public works shall be designed and constructed according to the City of West Linn Public Works Standards, a copy of which is on file at City Hall. The City of West Linn Public Works Standards may be amended as provided in subsections (2) and (3) of this section.

(2) The City Engineer may amend technical provisions and standards of the City of West Linn Public Works Standards. Public notice of technical amendments shall be posted in City Hall 30 days prior to the effective date of the amendments.

(3) All provisions of the City of West Linn Public Works Standards may be amended by resolution of the City Council upon recommendation by the City Engineer.

(4) The City Engineer is authorized to enforce all the provisions of the City of West Linn Public Works Standards. The City Engineer shall have the power to render written and oral interpretations and to adopt and enforce administrative procedures in order to clarify the application of the City of West Linn Public Works Standards. The City Engineer is authorized to issue Stop Work Orders as needed in the enforcement of these standards.

(5) Any violation of the City of West Linn Public Works Standards shall constitute a Class A civil infraction. Each day that a violation exists is a separate infraction. For purposes of this section, defects in design or construction that are corrected without delay and prior to acceptance of the public works by the City by the person responsible for the design or construction shall not constitute a violation.

(6) Any uncorrected violation of the City of West Linn Public Works Standards shall constitute a nuisance and may be abated as provided in sections 5.400 to 5.530.

[Ordinance No. 1238 adopted July 13, 1988. Section 3.300 amended by Ordinance No. 1449 adopted May 22, 2000.]

SIDEWALK MAINTENANCE

3.350 Definition of "Sidewalk."

"Sidewalk" means the part of the street right-of-way between the curblines or the lateral lines of a roadway and the adjacent property lines, and includes a culvert located in a part of the street.

3.355 Repair of Sidewalks. It is the duty of the owner of land abutting a sidewalk to maintain the sidewalk in good repair and safe condition.

3.360 Liability for Sidewalk Injuries.

(1) The owner of real property abutting a sidewalk is liable to any person injured because of failure by the owner to maintain the sidewalk in good repair or safe condition.

(2) If the city is required to pay damages for an injury to any person caused by the failure of an owner to maintain a sidewalk in good repair or safe condition, the owner shall reimburse the city for the amount of the damages thus paid, and for the attorney fees and costs of defending against the claim for damages. The city may maintain an action in court to enforce the provisions of this section.

3.365 Standards and Specifications.

Sidewalks shall be constructed, altered, and repaired in accordance with standards and specifications determined by the public works director.

3.370 Submission of Plans. No person shall construct, alter, or repair a sidewalk without first submitting the plans and specifications for the proposed work and obtaining a permit. The application for a permit shall be made to the city manager. The city manager may issue a permit for the proposed work upon finding that the plan conforms with the applicable standards and specifications.

3.375 Supervision of Work.

The construction, alteration, or repair of sidewalks shall be under the supervision of the public works director. The public works director may inspect materials and construction details that in the public works director's judgment may be necessary to ensure compliance with the plans and the applicable standards and specifications.

3.380 Notice to Construct, Alter, or Repair Sidewalk.

(1) When the council determines that a sidewalk needs construction, alteration, or repair, it shall by resolution direct the city manager to issue a notice.

(2) The notice shall require the owner of the property abutting 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 days, the city reserves the right to complete it and assess the cost against the property abutting the sidewalk.

(3) The city manager shall cause a copy of the notice to be served personally upon the owner of the property abutting 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 manager shall post a copy of the notice in a conspicuous place on the property, and the posting shall be considered to have the same effect as personal service of notice upon the owner of the property.

(4) The person serving the notice shall file with the manager a return of service, reciting the time, place, and manner of service.

3.385 City May Construct, Alter, or Repair Sidewalk.

If the sidewalk alteration or repair is not completed within 60 days after service of the notice, the public works director may complete it if so directed by the council. On completion of the project, the public works director shall submit a report to the council containing an itemized statement of costs.

3.390 Assessment for Sidewalk Work Done by City.

After receipt of the report, the council, by ordinance, shall assess the cost of the work against the property abutting the sidewalk. The assessment shall be a lien against the property and may be levied and collected in the same manner as is provided for in the city's general local improvement assessment procedures.

3.395 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 on 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, 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 council may order the construction of the sidewalk.