

**ORDINANCE NO. 885**

**AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE TITLE 12, CHAPTER 12.04 (SIDEWALKS)**

**WHEREAS**, the City of Scappoose desires to correct the inconsistency of language regarding sidewalks, curbs, and driveway approaches in the Scappoose Municipal Code (SMC); and

**WHEREAS**, Title 17, Section 17.154.070, of the SMC explicitly states that sidewalks and curbs are the continuing obligation of the adjacent property owner; however, Title 12, Section 12.04.010 did not make it clear that curbs are also under the obligation of the adjacent property owner to maintain; and

**WHEREAS**, a work session was held with Council on September 3, 2019 to address the need for amendments to Chapter 12.04 – Sidewalks of the SMC, and Council directed staff to propose the amendments to provides clarity in the code language regarding the obligation for sidewalk, curb, and driveway approach maintenance;

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

**Section 1.** Chapter 12.04 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 3.** This ordinance is effective 30 days after passage.


PASSED AND ADOPTED by the City Council this 7<sup>th</sup> day of October, 2019, and signed by the Mayor and City Recorder in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
\_\_\_\_\_  
Scott Burge, Mayor

First Reading: September 16, 2019

Second Reading: October 7, 2019

Attest:   
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Susan M. Reeves, MMC, City Recorder

## Chapter 12.04

### SIDEWALKS

#### Sections:

**12.04.010 Sidewalk maintenance – Owner responsibility**

**12.04.020 Owner's failure to maintain – Notice – Lien**

**12.04.030 Liability for injury – Owner liability**

#### **12.04.010 Sidewalk maintenance – Owner responsibility.**

It is declared to be the duty of all owners of all land adjoining any street in the city to maintain in good repair the sidewalks or steps in front of said land at the cost and expense of such owners. (Ord. 277 Sec. 1, 1967)

A. The owner(s) of land adjoining any street in the city shall be responsible for maintaining and repairing the sidewalks, steps, curbs and/or driveway approaches – when one or a combination of such facilities are present – adjoining or immediately adjacent to said land at the cost and expense of the owner(s).

B. Sidewalks, steps, curbs and driveway approaches shall be constructed, replaced or repaired in accordance with the city's public works design standards and, if applicable, the most recent Americans with Disabilities Act (ADA) design standards.

#### **12.04.020 Owner's failure to maintain – Notice – Lien.**

~~A. Whenever the owner of said land fails and refuses to maintain said sidewalks in good repair, the city shall have the right and privilege to give written notice to said landowner requiring him to make the repairs within a reasonable time and in the event that the landowner fails or refuses to make such repairs, the city shall have the right and privilege of making such repairs and billing the cost of such improvement to the landowner.~~

A. Whenever an owner fails and refuses to maintain in good repair the sidewalks, steps, curbs, and/or driveway approaches adjoining or immediately adjacent to their property, the city shall have the right to give written notice to the owner requiring them to make the repairs within ninety days. In the event that the owner fails or refuses to make the necessary repairs, the city shall have the right to make the repairs and to bill the full cost of the repairs, including any associated administrative overhead, to the owner.

~~B. In the event that the landowner shall owner fails or refuses to pay the bill and shall does not appeal to the city council thereon within thirty days after the date of mailing the bill postmarked date on the bill, then the amount of the cost of such repair shall become a lien upon said property and shall be dealt with as other liens on city property pursuant to Scappoose Municipal Code Chapter 3.25 – Liens.~~

#### **12.04.030 Liability for injury – Owner liability.**

A. The owner(s) of land adjoining any street in the city shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from the defective or hazardous condition of any sidewalk, steps, curb, or driveway adjacent to said land, or by reason of the owner's failure to keep such sidewalk, curb, and/or driveway in safe condition and good repair.