

ORDINANCE NO. 576

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND REPAIR OF SIDEWALKS, PLACING THE RESPONSIBILITY FOR THE CONSTRUCTION AND REPAIR THEREOF ON THE ABUTTING PROPERTY OWNERS AND PROVIDING FOR THE ASSESSMENT OF THE COST THEREOF AGAINST THE PROPERTY ABUTTING THEREON; REPEALING ORDINANCES NO. 153, 206 AND 339 AND DECLARING AN EMERGENCY

THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

Section 1. The City Council shall have the power and is hereby authorized and empowered, at any time, to require by ordinance the owners of lots, blocks or parcels of land adjacent to and abutting upon any street or avenue in the City of Prineville, Oregon to construct or repair sidewalks along such street or avenue, adjacent to and abutting upon such lots, blocks or parcels of land at the expense of the owners thereof and to provide that in case such sidewalks be not constructed or repaired within 30 days after the passage of an ordinance requiring the same, that the City Council may proceed to construct or repair such sidewalks and assess upon each lot, block or parcel of land or part thereof, its proportionate part or share of the whole cost of the same in the manner hereinafter provided. All such construction and repair of sidewalks as provided in this ordinance, shall for the purpose of this ordinance be deemed street improvements and shall be under the supervision of the Street Superintendent and shall be constructed at grades and locations designated by the City Council and according to the specifications for design, materials and construction as established by the Street Superintendent.

Section 2. Whenever the City Council shall deem it expedient to order the construction or repair of any sidewalk within said City of Prineville, it shall declare the same by ordinance, specifying the particular sidewalk or sidewalks to be constructed or repaired, the character of construction or repair thereof, the grades and locations and specifications for materials and construction thereof, and the time within which the owner or owners of the lots, blocks or parcels of land are required to construct or repair the same, specifying therein the names of the owners or reputed owners of the abutting lots, blocks or parcels of land, or portions thereof, and particularly describing such lots, blocks or parcels of land or portion thereof abutting upon such sidewalk or sidewalks. If the owner or owners of such lots, blocks or parcels of land or portion thereof shall fail within 30 days after the passage of such ordinance, requiring the same, to construct or repair such sidewalk or sidewalks, the City Council shall cause the same to be constructed or repaired and the cost thereof to be reported to the City Council by the City Recorder within 10 days after the completion thereof. Immediately upon the passage of such ordinance requiring such construction or repair of sidewalks, the City Recorder shall give notice of the passage of such ordinance and the requirements thereof in reference to such sidewalks to the owners or reputed owners of the lots, blocks or parcels of land or parts thereof described in such ordinance by written notice thereof mailed to each of them at his or her last known address by United States first class mail or by notice published in one issue of a newspaper published in said city and proof of mailing or publication shall be made by affidavit filed with the City Recorder.

Section 3. Immediately after the full cost incurred by the city in the construction or repair of such sidewalk shall have been ascertained by the City Council, the costs thereof shall be apportioned and a notice of the amount thereof shall be served upon the owners or reputed owners of the lots, blocks or parcels of land or parts thereof abutting upon such sidewalk constructed or repaired, either by certified mail addressed to each of them at his or her last known address or personally by the Chief of Police of the city, and proof thereof shall be made by affidavit filed with the City Recorder. by such notice each such owner or reputed owner shall be notified of the amount of the cost of construction or repair of such sidewalk and the amount thereof assessed against his or her lot, block or parcel of land and that if within 15 days after the date of the service of such notice, as shown by the return thereof, such owner or reputed owner shall fail to pay to the City Recorder the amount of such cost assessed to his or her property as aforesaid, the City Council at the next regular meeting thereafter, after hearing objections, if any be made thereto, shall by ordinance assess the cost of construction and repairs of such sidewalks upon the lots, blocks and parcels of land or parts thereof abutting thereof and benefited thereby, and all of such assessments shall thereupon be entered by the City Recorder in the Docket of City Liens in the manner provided by ordinance for docketing liens for street improvements. Said assessments shall become due and collectible immediately thereafter and

Ordinance No. 576, Section 6 as amended:

Section 6. That all sidewalks hereafter constructed within the City of Prineville, but outside the business district, shall be four feet in width, measured toward the property line from the street side of the curb, if there be a curb, or in cases where there is no existing curb, then the sidewalk shall be four feet in width, measured from the edge of the portion of the street paved, or to be paved, as designated in existing ordinances which establish center lines of streets of different widths. Provided, however, in any block where there are at present existing sidewalks, new sidewalks shall be four feet wide and shall be aligned with the existing sidewalks, using the inside edge of the existing sidewalk, the edge farthest from the curb line, as the beginning measuring point. Provided further, that a property-owner may extend the sidewalk to the curb for the full width of his property if he so desires.

and shall be enforced in the manner provided by ordinance for the enforcement of the payment of the costs of street improvement.

Section 4. Sidewalks shall be inspected by the Chief of Police at yearly intervals, or oftener, if necessary, and a list of sidewalks in need of repair shall be presented to the City Council. Repairs shall be ordered by the City Council in accordance with the foregoing provisions of this ordinance.

Section 5. All sidewalks hereafter constructed within the business district of the City of Prineville shall be twelve (12) feet in width, unless otherwise ordered or approved by the City Building Inspector.

See amendment attached
Section 6. That all sidewalks hereafter constructed within the City of Prineville, but outside the business district, shall be four feet in width, measured toward the property line from the curb, if there be a curb, or in cases where there is no existing curb, then the sidewalk shall be four feet in width, measured from the edge of the portion of the street paved, or to be paved, as designated in existing ordinances which establish center lines of streets of different widths.

Section 7. All persons seeking to construct sidewalks within the City of Prineville shall first obtain a permit for the same from the City Recorder and further shall have the specifications for the same approved by the Street Superintendent prior to commencing construction.

Section 8. Any person aggrieved by a ruling by the said Street Superintendent in connection with the proposed construction of any sidewalk within the City of Prineville may appeal said ruling to the City Council and the decision of the said City Council shall be final on the matter.

Section 9. Ordinance No. 153, adopted June 7, 1905; Ordinance No. 206, adopted August 20, 1913; and Ordinance No. 339, adopted October 6, 1939, are hereby repealed.

Inasmuch as there are many sidewalks in the City of Prineville in need of repair and many places in the City of Prineville where sidewalks should be constructed and the ordinances providing for the construction of sidewalks are inadequate, an emergency is hereby declared to exist and it is declared to be for the preservation of peace, health and safety of the people of the City of Prineville that this ordinance become effective immediately upon its passage by the City Council and approval by the Mayor.

Adopted by the City Council this 14th day of September, 1965.

Approved by the Mayor this 14th day of September, 1965.

Frances Juris
Frances Juris, City Recorder

Wallace L. Boe
Wallace L. Boe, Mayor