

SIDEWALK MAINTENANCE
PROGRAM

CITY OF PORTLAND
OFFICE OF TRANSPORTATION
BUREAU OF MAINTENANCE

**POLICY AND
OPERATING
GUIDELINES**

Fifth Edition January 2005

Sidewalk Maintenance Office

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www.trans.city/services/sidewalks/maintenanceguidelines.htm

SIDEWALKS MAKE GOOD NEIGHBORHOODS

Sidewalks have a way of tying together a neighborhood. Realtors will attest that where sidewalks are good, the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes; recreation space for joggers, children with tricycles and pull toys; an informal meeting place for neighbors; and an encouragement for people to make more use of the most basic form of transportation – walking.

Be proud of your sidewalks. Take care of them and enjoy them.

TABLE OF CONTENTS

Program Goal	1
Legal Authority	2
Operating Policy	2
Trees	3
Posting Program	5
Transit Mall & Light Rail	9
Complaints & Service Requests	10
Affidavit of Posting	10
Notification	11
Time Extensions	13
Permits	14
Inspection Requirements	14
Re-Check & Mark Out	16
Intent to Repair (10 Day Letter)	16
City Repair	16
Repair Charges	17
Appeal Process	17
Assessment	18
Financing	18
Senior Citizen Deferral of Assessment	19
Appendix A	
Excerpts from City Charter and City Code	20

TRADITION OF GOOD SIDEWALKS

When Portland was established many years ago as a frontier settlement on a muddy riverbank, one of the first concerns was to begin a system of sidewalks. Even then, the townspeople wanted to walk from one place to another without wading through mud, tripping over rocks and roots, or dodging horses and wagons.

The earliest sidewalks were rough-sawn planks – low in cost, but requiring continual replacement due to wear and weather. When permanent concrete walks replaced the wooden ones, they were hailed as a major milestone in Portland’s emergence as a city.

Sidewalks remain today one of the City’s great assets. Experience has shown, however, that even concrete needs occasional maintenance to keep it safe and useful. To ensure pedestrian safety and convenience, the City of Portland has established a Sidewalk Maintenance Program to identify hazardous conditions and ensure timely repair.

PROGRAM GOAL

The objectives of the Sidewalk Maintenance Program are to:

- Protect the general public from injury by identifying hazards and ensuring their timely repair.
- Protect the general taxpayer from the expense of liability claims due to personal injury.
- Protect individual property owners by notifying them that a hazardous condition exists and assisting with correction of that hazard.
- Protect the general public’s investment in the transportation system, which includes sidewalks, corners, and curbs.
- Manage the maintenance of sidewalks, driveways, and curbs in a way that protects street trees and other desirable vegetation whenever possible.

LEGAL AUTHORITY

The City Charter, adopted by a vote of the people, establishes basic guidelines for sidewalks and curbs. The City Code, adopted by ordinance of the City Council, sets specific requirements for sidewalks and curbs. Both the Charter and Code sections pertaining to sidewalks, driveways, and curbs, are included in Appendix A.

OPERATING POLICY

To assure that the Sidewalk Maintenance Program meets its intended goals, the Sidewalk Posting and Repair Program operates in accordance with a set of operating policies, which have been developed to define and control the direction and scope of the program. The operating policies are as follows:

- To ensure pedestrian safety, all neighborhood sidewalks are inspected once every 20 years, and sidewalks in the Central Business District are inspected once every 5 years.
- To assist the property owner, repair alternatives are outlined, when applicable, to remove posted hazards in the most economical method.
- To allow the property owner adequate time to make repairs, a minimum of 90 days will elapse before City crews begin work. If hazards are extreme or there has been a trip and fall, the property owner will be given 20 days to begin repairs.
- To ensure the property owner is aware of the City's intent to begin repairs, a final written notification is given, "Notice of Un-repaired Posting", at least 10 days prior to the start of the work. This letter is not sent on 20 Day postings that have expired.
- Requests for time extensions are investigated and when just cause exists, an extension is granted. Should repairs be needed in the Central Business District (CBD), the CBD coordinator needs to be contacted 5 days prior to beginning work at 503-823-7077. The CBD boundaries are from NW Glisan Street on the

north, SW Market Street on the south, Naito Parkway (Front Avenue) on the east, SW 18th and NW 20th Avenues on the west.

TREES

Trees are another one of the City's greatest assets. To ensure that the trees are not damaged due to root removal or injury, the operating policy follows:

- If tree roots are found in the city right-of-way during the repair of sidewalk, driveway, corner, or curb, and could possibly be damaged by the repair work, it will be necessary to contact the Urban Forestry Division (503-823-4489) to request a root inspection. The City Forester will attach a root inspection card to a barricade on the job site with the inspection results. Root inspection reports made at other posted properties are faxed to the Sidewalk Repair Office where they are filed with corresponding posted property files.
- When repairing sidewalks adjacent to trees, 4' x 4' square tree wells will be maintained. Tree wells may be modified when necessary to maintain a minimum clearance of 5 feet for pedestrian passage in neighborhoods and 6 feet in the CBD and high pedestrian areas.
- When repairing sidewalks damaged by roots the following actions may be taken to prevent root damage:

Radius Blockouts - The width of the sidewalk is reduced where roots have encroached into the sidewalk area. This will also leave room for root expansion when Urban Forestry will not allow roots to be cut or removed.

Reduced Sidewalk – Sidewalks may be reduced by 1 foot if necessary for a 6' wide sidewalk, in cases where roots are encroaching into the sidewalk area and Urban Forestry will not allow roots to be cut and removed.

Ramp Over Roots – When roots are not allowed to be cut and removed as determined by the Urban Forester and/or when the depth of concrete over the roots will be less than 4" deep. This action may require additional

walk to be removed so that ramp slopes are gradual and meet American Disabilities Act (ADA) requirements.

Drop Curbs (Asphalt Berms) – When trees and/or tree roots push portions of the curb into the street. Drop curbs allow flexibility for trees and/or roots while maintaining drainage and will be used where appropriate.

Contact the Urban Forestry Division (503-823-4489) prior to any root cutting or removal. Damages will be the property owner's responsibility. Whenever possible, accommodations will be made to protect and preserve trees.

POSTING PROGRAM

The goal of the Sidewalk Posting Program is to identify pedestrian hazards and assist the property owner with the repair process. To accomplish this goal the residential sidewalks are inspected once every 20 years. The Central Business District (CBD), where pedestrian traffic is heavy, is inspected once every 5 years. Inspectors are primarily looking for things that cause people to trip and fall, such as “stub toes” where the sidewalk is raised. Other hazards may include holes, spalled or chipped areas, wide cracks, deterioration, and areas that are damaged by tree roots.

To assist the Inspectors in the identification of hazards, guidelines have been established for consideration in posting concrete sidewalks. The posting guidelines apply to the city street right-of-way where there are sidewalks, driveways, carriage walks, curbs, and set back areas, behind the sidewalk and driveway area, that have been improved with concrete, asphalt, or bricks. The posting will identify the hazard and the area needing to be replaced to ensure a good and substantial repair. The posting guidelines are as follows:

Stub Toes (Step Separation-Elevated Grade)

All “Stub Toes” latitudinal as well as longitudinal in the city right-of-way that are hazardous shall be posted for repair. **A guideline of 1/2 inch rise for all sidewalk areas** will be used in determining if a stub toe is hazardous.

Openings (Holes, Wide Cracks, Concrete Separations)

All openings in the city right-of-way that are considered hazardous shall be posted for repair. **A guideline of 1/2 inch width and 1/2 inch depth will be used in determining if an opening is hazardous.**

Spalled/Chipped Concrete

Spalled sidewalks, where the concrete is chipped to the point of creating a trip hazard shall be posted for repair. **A guideline of 1/2 inch width and 1/2 inch depth will be used in determining if a spalled area is hazardous.**

Raised Sidewalk

Raised sidewalk shall be posted when the raised area is hazardous. **A guideline, that the uppermost point of the raised area being greater than 4 inches from grade, shall be used in determining when a raised sidewalk is considered hazardous.**

Sunken Sidewalk

Sunken sidewalk shall be posted when it causes a trip hazard and/or the sunken area will hold water. (A slip hazard would be created when the water turns to ice.)

Driveway Approaches

Where less than half of the driveway approach is defective or hazardous, only that portion will be considered. If more than half of the driveway approach is hazardous or where less than full repairs would produce a hazard, it will be necessary to post the entire driveway approach for replacement. Entire driveway approach replacement will conform to current standard plans and ADA specifications.

Unused Driveway Approaches

All driveway approaches are constructed under a revocable permit and shall be posted for closure if permanently unused or hazardous. Permanently unused driveway approaches not serving legal maneuvering space on a property, as set forth in planning codes may be closed. Examples are driveways blocked by fences, walls, landscaping, or driveways to illegal parking areas in yards.

Root Damage at Adjoining Properties

Where a tree root has lifted the sidewalk at the property line, both properties will be posted to maintain grade. Both properties are posted because repairing only one property would create a stub toe at the property line. Each posting would have a notation about the adjoining property. To maintain quality of work, the properties should be repaired together but could be repaired separately by installing a transition area.

Tree Wells

Hazards found in and around tree wells will be posted for repair. Empty tree well locations will be referred to the Urban Forestry Division for follow up with the adjacent property owner.

Bolts in Sidewalk

Traffic sign bolts and bases in the city right-of-way will be referred to the Traffic Maintenance Section to install missing signposts or eliminate the hazard. Hazards found around city installed bike racks will be referred to the Structures Section for repair. The adjacent property owner will not be charged for this work.

Corners

Guidelines for posting and replacement of corners shall be the same as the guidelines used for sidewalks and driveways. City corners installed by city crews will comply with ADA specifications.

Historical dates in existing corners will be preserved whenever possible or re-stamped with the addition of the current year, i.e. 1933/2004. Existing historical street names will be re-stamped.

Curbs

Sidewalk Inspectors will identify curbs that need replacement during routine inspections. Curbs will be posted when they present a hazard, are generally in a deteriorated state, or no longer will facilitate or control drainage.

Curbs are the property owner's responsibility to repair when they are in combination with the sidewalk and/or have been damaged by tree roots or willfully damaged (driven on, etc.) in accordance with city Code 17.52.040, Appendix A – Title 17.

Curbs that are separated from the sidewalk with a parking strip/planting area, and that have not been willfully damaged, will be maintained by the City's Sidewalk Maintenance section at no cost to the property owner.

Understanding the importance of curbs for drainage control and street preservation, trees and tree roots will be protected and left undisturbed whenever possible. The Urban Forestry Division will be contacted for a root inspection if necessary after the curb has been excavated. Drop curbs will be utilized when appropriate to protect trees and tree roots.

Existing horse-rings are considered historical and will be replaced during curb repair projects.

Pole Patches, Utility Boxes

Pole patches and utility boxes in the city right-of-way that are hazardous will be referred directly to the appropriate utility company.

Vaulted Doors

Vault doors that are considered hazardous will be posted for repair. **A guideline of a 1/2 inch stub toe, 1/2 inch opening, raised/sunken, or generally in a deteriorated and/or hazardous condition shall apply.**

TRANSIT MALL and LIGHT RAIL

The Transit Mall and similar areas where the pedestrian area is paved with brick are posted using the following guidelines:

Stub Toes in the Brick Areas

All “stub toes” latitudinal, as well as longitudinal, in the city right-of-way that are hazardous shall be posted for repair. **A guideline of a 1/2 inch shall be used in determining if the stub toe is hazardous.**

Openings in Brick

All openings or wide cracks in the brick or mortar that are hazardous shall be posted for repair. This is to include missing mortar between bricks as well as missing bricks or partially missing bricks. **A guideline of a 1/2 inch width and 1/2 inch depth shall be used in determining hazards.**

Spalled/Chipped Bricks

Bricks that have been chipped causing a surface deformation that is hazardous shall be posted for repair. **A guideline of a 1/2 inch width and 1/2 inch depth shall be used in determining if deformation is hazardous.**

Loose Bricks

Loose bricks that are not bonded to the base and are hazardous shall be posted for repair. **Brick movement shall be the guideline in determining if the brick is considered hazardous.**

COMPLAINTS and SERVICE REQUESTS

Information received regarding hazardous sidewalk conditions in the city right-of-way at a specific location will be transferred to a Service Request form and given to a Sidewalk Inspector for investigation. The hazardous condition will be inspected within 24 working hours of the Sidewalk Maintenance Office having knowledge of the condition.

An Inspector will inspect, and post if necessary, the appropriate address(es). If the Service Request states that someone has tripped and fallen and/or the hazard is extreme, a **20 Day** posting is issued. The property owner will be given 20 working days to begin repairs. In addition, the Inspector will inspect the general area for hazards and post accordingly. A guideline for the “general area” is the block face involved with the initial complaint and the block face directly across the street.

AFFIDAVIT OF POSTING

Following the inspection of a property, if hazards are found, the Sidewalk Inspector creates a Sidewalk Repair Notice, stating the date of inspection, legal property description, a detailed diagram of the posted hazard(s), and a repair estimate based on full square replacement. The diagram will indicate areas for repair necessary to eliminate the hazard(s) based on full square replacement per city code. The diagrams will serve as the basis for city-made repairs. Property owners will be given a minimum of 90 days to make repairs before they are notified about City crews beginning repair work.

NOTIFICATION

Property owners will be provided with the original copy of the Sidewalk Repair Notice; a form letter outlining the Sidewalk Maintenance Program, repair options and guidance; “The Sidewalk Handbook” brochure; and the posting Inspector’s business card. This information is mailed to registered owners of posted properties as shown on current county tax records. Should there be possible tree roots involved with the repair, Urban Forestry Division’s telephone number will be attached to the Sidewalk Repair Notice.

Sidewalk Inspectors are available to schedule appointments and meet with property owners to identify and explain the specific reasons for the posted hazard(s). Using the established guidelines, the Inspector can assist the property owner by outlining repair alternatives so that the hazard may be corrected in the most economical method.

A copy of each Sidewalk Repair Notice is sent inter-office to City's Archives and Records Center where they are considered public record and available for contractors to view for mailing bid information.

Property Owner Repair

The property owner may eliminate posted hazards in the following manner:

- (1) Remove whole squares to **full depth** and replace with concrete. Repair may be less than full square, but must be full depth. **Skin patching is not an acceptable repair method**, as it does not provide a good and substantial repair.
- (2) Grinding of stub toes raised **1 inch or less** with the approval and guidance of the Sidewalk Inspector.
- (3) If tree roots are the cause of the defect, the property owner must call the Urban Forestry Division (503-823-4489) prior to any root cutting or removal and before a form inspection can be approved. Damages to trees and/or tree roots are the property owner's responsibility.

Following the root inspection, it may be necessary to meet with a Sidewalk Inspector for a "form consultation" to discuss form work and tree roots. If tree roots are not allowed by Urban Forestry to be cut and removed, it may be necessary to excavate additional sidewalk or driveway to get the required thickness of concrete per city specifications over the roots and meet ADA requirements of 8% or less slope on raised sidewalks.

Contractor Repair

A contractor hired by the property owner may eliminate posted hazards in the following manner:

- (1) All contractors are required to have a current license and bond through the Oregon State Builders Board. In cases that involve liability, the property owner has recourse through small claims court. Permits will not be issued to contractors with licenses that have an inactive status according to the Oregon State Builders Board computer records.
- (2) Remove whole squares to **full depth** and replace with concrete. Repair may be less than full square, but must be full depth. **Skin patching is not an acceptable repair method**, as it does not provide a good and substantial repair.
- (3) Grinding of stub toes raised **1 inch or less** with the approval and guidance of Sidewalk Inspector.
- (4) If tree roots are the cause of the hazard, the contractor must call the Urban Forestry Division (503-823-4489) prior to any root cutting or removal and before a form inspection can be approved. Damages to trees and/or tree roots are the contractor's responsibility.

Following the root inspection, it may be necessary to meet with a Sidewalk Inspector for a "form consultation" to discuss form work and tree roots. Additional sidewalk or driveway may need to be excavated if tree roots are not allowed by Urban Forestry to be cut and removed.

City Repair (Includes repair work by contractor on behalf of the City.)

The City will repair posted hazards by removing and replacing whole squares to the proper depth per city code. A contractor working under an annual supply contract with the City's Sidewalk Maintenance Office may perform these repairs. This contract is

awarded based on competitive bidding in accordance with policies and practices established by the Bureau of Purchasing and the City of Portland.

TIME EXTENTIONS

Requests for time extensions will be granted if reasonable cause exists. The following conditions may cause the Sidewalk Maintenance Office to grant extended time to property owners to make sidewalk repairs:

New Property Owner

When the previous owner did not disclose to a new property owner who acquired the property, following the initial sidewalk posting and posting information. These extensions are usually 90 days in length.

Legal Questions

When there are legal questions/matters concerning ownership, responsibility, property lines, etc., extensions may be granted until legal questions have been answered.

Plans for Construction/Remodeling

When the city right-of-way area of posted properties will be effected by construction and/or remodeling plans. In some cases, temporary repairs may be required before the extension is granted.

PERMITS

A **free** permit is available to encourage all property owners to make their own repairs or hire a contractor to make repairs. The permit will be issued to whoever intends to make the repair, i.e., property owner or contractor.

Should there be possible tree roots involved with the repair, Urban Forestry Division's telephone number will be attached to the permit. This tree inspection sticker alerts the property owner and the contractor that tree roots must be inspected prior to any cutting or root removal. In addition, the affected sidewalk areas will be indicated on the diagram as "D" for tree damage. Following is an example of the tree inspection information:

TREE INSPECTION REQUIRED!

Contact the Forestry Division of the Park Bureau at 503-823-4489.

Once the concrete has been removed and the roots exposed,
a tree inspection **MUST** be made prior to any root cutting.

INSPECTION REQUIREMENTS

Form Inspection

A form inspection is required when posted areas have been excavated to proper depth, forms have been set, barricades or saw horses are in place, and all debris has been removed from the city right-of-way. When tree roots are involved, a root inspection is required to be made, and roots removed as approved by the Urban Forester prior to requesting a form inspection. The inspection insures that necessary lines and grades are correct, and that repair work is prepared and formed to meet city specifications and plans. Inspections will be made the following morning after the request was made excluding weekends and legal holidays. Form consultations can be requested when help is needed with form work around and over tree roots.

A notice will be posted to a barricade on site indicating whether or not the forms passed inspection. If a “Do Not Pour Concrete” card is issued, corrections will need to be made and another form inspection requested. The same time requirements apply as with the first request. Once an approved form inspection has been issued, “Permission Granted to Pour Concrete”, you may proceed with pouring the concrete.

Final Inspection

A final inspection is required when the repair work has been completed, all forms are removed, and voids are backfilled with dirt and compacted to grade, and the job site has been cleaned up. A minimum of two days must elapse between the time the concrete is poured and the final inspection is requested. This prevents possible spalling of green/uncured concrete when forms are removed. Final inspections will be made the day after the request has been made, excluding weekends and legal holidays.

If repair work is found satisfactory, a notice will be left at the door, excluding businesses and rental properties, and the posting will be closed. If work is found unsatisfactory, a notice will be left at the door including the corrections to be made. Another final inspection will have to be requested. The same time requirements apply as with the first request.

RE-CHECK & MARK OUT

Prior to scheduling repairs to be made by City Contractors, all postings in the quarter section to be repaired, will be re-checked. If upon re-checking, it is found that the hazard has been inspected and completed, the posting will be closed. Properties where the hazard has not been satisfactorily repaired will be marked out and scheduled for repair by private companies working on contract with the City (City Contractors). Additional hazards found may be marked out for repair.

INTENT TO REPAIR (10 Day Letter)

Prior to work by private companies working on contract with the City, all registered owners of property identified during the re-check and mark out, will be notified by mail of the City's intent to repair the sidewalk. The "Notice of Unrepaired Posting" letter is mailed a minimum of two weeks before the City contractor is scheduled to begin work in the area. It will state the approximate date that repairs will begin, and includes the approximate cost of the repair. This letter is not sent on 20 Day postings that have expired.

CITY REPAIR (City Contractor Repairs)

The goal of the Sidewalk Maintenance Program is to repair sidewalks, driveway approaches, corners, and curbs in the city right-of-way. Repairs are made to properties maintained by the City and when necessary, to posted properties where owners have failed to take action or owners have requested the City to make repairs.

To ensure a satisfactory and substantial repair, the city contractor will correct hazardous conditions by removing and replacing whole squares to full depth per city code. The

work performed is guaranteed for a three year period unless the problem is caused by tree roots or willful damage.

Repair crews are scheduled to complete a posting cycle of the City once every 20 years in neighborhoods, and once every 5 years in the Central Business District. Scheduling in this manner allows concentration of the work to assure the most efficient and effective use of available resources. Work outside of the scheduled area is limited to repair of extreme hazards, 20 Day Postings.

REPAIR CHARGES

Repairs are contracted out through a competitive bid process. The repair amount is calculated to recover all direct costs and applicable overheads. The costs are figured in two ways: cost of jobs are calculated based on the rates set through competitive bid, and/or the cost will be calculated based on actual time and materials i.e. chip and patch work, vault work, and brick work. When repairs have been completed, information will be sent to the City Auditor who will prepare and mail a proposed assessment notice to the registered property owner.

The notice will have information regarding the total cost of the repair work, plus the City's assessment fee of 10% to cover costs of establishing and managing accounts.

APPEAL PROCESS

All disagreements and appeals for sidewalk postings, which cannot be resolved by the Sidewalk Inspectors, will be directed to the Inspector's Supervisor. The Supervisor will investigate all such cases and attempt to reach an agreement with the concerned parties.

If the disputed posting is clearly in error, the Supervisor will call for a re-inspection, cancel, or adjust the posting according to the findings. In the event the Supervisor fails to resolve the problem, the Operations Manager will investigate the problem and seek a resolution. The efforts to resolve the dispute will be fully documented and be used as evidence, should the dispute be filed as a remonstrance and be brought before City Council.

ASSESSMENT

Approximately twenty days after the date of the Proposed Assessment notice, the City will conduct a public hearing to consider the final assessment of sidewalk repair costs. After the hearing the City Auditor will mail a final assessment notice. Property owners will have thirty days from the date of the final assessment notice to pay or finance the final assessment. If the final assessment is not paid or financed by the thirty-day deadline, the City will add late interest, penalties and collection costs to the assessment. The current late interest rate is 12% per year.

The City Council places liens on properties to insure payment of the final assessment. If a property owner fails to payoff the assessment or make timely installment payments, the City may foreclose and collect the assessment through the sale of the property.

FINANCING

The City Auditor mails an installment payment contract with each final assessment notice. The contract describes the amount of the assessment, financing fees, the total loan amount, the options for making loan payments, and the terms and conditions of the loan.

The City's monthly installment plans are calculated like auto or home loans. Over time, the payment is made up of larger amounts of principle and smaller amounts of interest, based on the interest rate and term of the loan. A billing transaction fee will also be added to each installment. The present interim interest rate is 7.25%.

SENIOR CITIZEN DEFERRAL OF ASSESSMENT

The State of Oregon offers a program in which a Senior Citizen may defer paying a sidewalk repair assessment for as long as he or she owns and lives at the property that was affected by the repair work. Under this program, the State makes payments on the property owner's behalf. When the property is sold or transferred to a new owner, the State is repaid for the total of their installment payments plus simple interest of 6% per year.

To qualify, the applicant must be at least 62 years old, must own the property or be buying it under a recorded sales contract, be living at the affected property, and must have a household income of less than \$32,000 per year at the time the application is filed. More information about this program is included with the “Assessment Notice” or can be obtained by calling the City Auditor’s Office at 503-823-4090.

**CHAPTER 9
LOCAL IMPROVEMENTS; ASSESSMENTS; COLLECTIONS**

ARTICLE 4 STREETS AND STREET IMPROVEMENTS

Section 9-401 Definition of “Improve” and “Improvement”

(New sec. November 8, 1966; am. November 3, 1992)

As used in this Article, the terms “improve” and “improvement” include all construction, reconstruction, grading, re-grading, paving, re-paving, surfacing, resurfacing, bettering and repairing roadways, bridges, trestles, means of access and egress, underpasses, overpasses, sidewalks, crosswalks, pedestrian ways, gutters, curbs, street drainage facilities and appurtenances therefor within any street.

Section 9-403 Remonstrances

(New sec. November 8, 1966; am. November 3, 1992.)

Street improvement procedures established by ordinance shall provide for mailed notice to the property owners within the proposed district of the Council’s intention to improve any street, and an opportunity for the owners of the property within the proposed assessment district to make and file written objections or remonstrances against the proposed improvement. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. If the owners of three-fifths or more in area of the property file objections, further proceedings in the making of such improvement are barred for a period of six (6) months unless the owners of one-half or more of the property affected subsequently petition therefor. If an objection, remonstrance or petition is signed by the agent or attorney of any property owner, the agent or attorney’s authority to sign shall be filed with the Auditor within the time provided for the remonstrances or petition or the signature shall be disregarded. If objections or remonstrances legally signed by the owners of three-fifths of the property affected are not filed, the Council may order the improvement.

Section 9-407 Sidewalk Improvements and Repairs; Duty of Owners

(New sec. November 8, 1966; am. November 3, 1992.)

Sidewalks may be improved either as a part of a general street improvement or by separate proceedings. The Council may determine the grade and width of all sidewalks, materials to be used and specifications for construction. It is the duty of all owners of land abutting any street in the City to construct, reconstruct and maintain in good repair the adjoining sidewalks. If the owner of any parcel of land allows an adjoining sidewalk to be out of repair, the City Engineer shall post notice on the property directing the

owner, agent or occupant thereof immediately to repair it in accordance with City specifications.

If the owner, agent or occupant of any parcel of land does not properly make the sidewalk repairs within the time designated in the notice, the City Engineer may make the repairs, keeping an account of the cost and reporting it to the Council with description of the parcel of land abutting the repaired sidewalk. The Council has the same general authority and supervision over sidewalk repairs as over street improvements.

If the Council finds the costs reported by the City Engineer to be reasonable, it shall approve them and thereafter, at least once a year, by ordinance assess upon each of the parcels of land abutting repaired sidewalks, the cost of making the repairs with an additional overhead charge to defray the cost of notice, engineering and advertising. All such assessments may be combined in one assessment roll and they shall be entered in the docket of City liens and collected in the same manner as are other local improvement assessments.

Section 9-408 Damages for Negligence

(New sec. November 8, 1966; am. November 3, 1992)

Owners of land within the City are liable for all damages resulting from their failure to put an adjoining sidewalk in repair after notice to repair as provided in this Article. No action shall be maintained against the City by or for any person injured because of any sidewalk defect.

CITY OF PORTLAND CODE

TITLE 10 EROSION AND SEDIMENT CONTROL REGULATIONS

(Amended by Ord. No. 175205; effective March 1, 2001.)

The City has determined that the health of rivers within and serving the City is important to our environmental and economic health. A public outreach and review process was conducted to discuss the future of erosion control within the City. The public process revealed a need for greater erosion control throughout the City.

10.10.020 This Title provides requirements for development and construction related activities in order to control the creation of sediment and to prevent the occurrence of erosion at the source during construction and development.

10.30.010 This Title applies to all ground disturbing activities whether or not a permit is required, unless such activities otherwise are exempted by Portland City code. All non-permitted ground disturbing activities that are

permanent or temporary in nature shall comply with this Title unless otherwise noted.

- 10.30.020** The following minimum requirements apply to all development and ground disturbing activities:
1. No visible and measurable sediment or pollutant shall exit the site, enter the public right-of-way or be deposited into any water body or storm drainage system.
 2. Depositing or washing soil into a water body or the storm drainage system is prohibited.
 3. Ground disturbing activities requiring a permit shall provide adequate public notification of the City's Erosion Control Complaint Hotline.
- 10.70.060** Violations of this Title may result in civil penalties and/or Administrative Enforcement fees.
- 10.70.070** A responsible party may appeal a written notice of a violation or civil penalty to the Codes Hearings Officer in accordance with Title 22 of the City Code.

TITLE 16 VEHICLES AND TRAFFIC

16.70.810 Street Obstructions and Dangerous Conditions (Barricades)

(Added by Ord. No. 176585; effective July 5, 2002.)

No persons, whether acting as **private citizen**, principal, employee or agent, shall:

- A. Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are;
 1. plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions and,
 2. placed on the edge or side of the obstruction nearest the center of the street.
- B. At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or
- C. Remove such a barricade from any street while the danger continues.

TITLE 17 PUBLIC IMPROVEMENTS

(Revised December 31, 1997)

17.28.010 Sidewalk Defined

(Amended by Ord. No. 177028; effective December 14, 2002.)

A “sidewalk” means the portion of the street intended for the use of pedestrians. Unless the street area has been designated as a pedestrian mall, or unless the entire street has been designated primarily for pedestrian use, for the purpose of this Chapter, “sidewalk” is that part of a street on the side thereof intended for the use of pedestrians, improved by surfacing.

17.28.020 Responsibility for Sidewalks and Curbs

- A. The owner(s) of land abutting any street in the City shall be responsible for constructing, reconstructing, maintaining and repairing the sidewalks, curbs, driveways and parking strips abutting or immediately adjacent to said land, except as provided in Subsection B.

Said property owner(s) shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from the defective condition of any sidewalk, curb, driveway or parking strip adjacent to said land, or by reason of the property owner’s failure to keep such sidewalk, curb, driveway or parking strip in safe condition and good repair.

- B. Curbs shall be maintained by the City, except when in combination with the sidewalk and when they have been willfully damaged. Intersection corners and curbs adjacent thereto may be installed by the City when sidewalks and curbs are constructed up to the intersection on the same side of the street.
- C. The City Engineer shall maintain general construction and maintenance specifications for sidewalks, curbs, driveways and/or parking strips. The City Engineer shall use the specifications to determine compliance with this Chapter of Code. The City Engineer shall provide copies of the specification to any person upon request, and make the specifications available for public inspection during normal office hours.

17.28.025 Property Owner Responsible for Snow and Ice on Sidewalks

- A The owner(s) and/or occupant(s) of land adjacent to any street in the City shall be responsible for snow and ice removal from sidewalks abutting or immediately adjacent to such land, notwithstanding any time limitations.

- B. Property owner(s) and/or occupant(s) shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from failure to remove snow and/or ice accumulations.
- C. Property owner(s) and/or occupants shall be liable to the City of Portland for any amounts paid or incurred consequent from claims, judgment or settlement, and for all reasonable investigation costs and attorney fees, resulting from the responsible property owner's or occupant's failure to remove snow and ice accumulations from such sidewalks as imposed by this Code.

17.28.070 Owners to Repair Sidewalks and Curbs – Notice to Repair

(Amended by Ord. No. 155279, effective November 3, 1983.)

After a sidewalk has been improved or constructed, either alone or in combination with a curb, the owner of land abutting the street area in which the sidewalk has been constructed shall be responsible for maintaining such sidewalk and curb in good repair. If the City Engineer finds that any such sidewalk or curb needs repair, he shall post a notice on the adjacent property headed "Notice to Repair Sidewalk" (or curb) which shall in legible characters direct the owner, agent, or occupant of the property immediately to repair the sidewalk or curb, or both in a good and substantial manner in accordance with the plans, specification and regulations of the City.

The City Engineer shall file with the Auditor an affidavit of posting of the notice, stating the date when and the place where the same was posted. After filing, the Auditor shall send by mail a notice to repair the sidewalk or curb, or both, to the owner, if known, of such property, or to the agent (if known) of the owner, directed to the post office address of the owner or agent when known to the Auditor, or if the post office address is unknown to the Auditor, the notice shall be directed to the owner or agent at Portland, Oregon. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of the property, or mistake in address shall not invalidate said notice, but in such case the posted notice shall be sufficient.

17.28.080 Permit for Sidewalk and Curb Repairs

After notice to repair defective sidewalk or curb, or both, has been posted, the owner, agent or occupant shall make the repairs within 20 days from the date of posting. Any person desiring to repair a defective sidewalk, curb or both, either before or after notice to repair has been posted, shall first obtain a permit for which no fee will be charged. The permit shall prescribe the kind of repair to be made, the material to be used, and specifications therefor, including the location and size. Any person desiring to construct or reconstruct sidewalk or curb, or both, shall first obtain a permit therefor and pay the fees elsewhere prescribed in Chapter 17.24.

17.28.090 Repair by City

If the owner, agent or occupant of any lot, part thereof or parcel of land which has been posted with notice to repair a sidewalk or curb, or both, shall fail, neglect or refuse to make repairs within the period of 20 days after posting, the City Engineer may as soon as the work can be conveniently scheduled, make the repairs, and the cost shall be determined and assessment made as provided in this Chapter.

17.28.150 Billing for Charges

- A. When work is completed on any construction, reconstruction or repair of a sidewalk, curb or driveway, the amount of the charge shall be determined by the City Engineer or responsible bureau and reported to the City Auditor. The City Auditor shall calculate a proposed assessment that includes the amount of the improvement charge plus 10% of the charge to defray the administration costs of notice, assessment and recording.

- B. The City Auditor shall prepare a proposed assessment notice consisting of the following information:
 - 1. The legal description and site address of the property;
 - 2. The proposed assessment amount;
 - 3. The manner and deadline for filing written objections to the proposed assessment amount and a statement that the specific reasons for the objection must be stated in writing;
 - 4. The date, time and location of the public hearing for Council consideration of the proposed assessment;
 - 5. A statement that the final assessment will be recorded in the Docket of City Liens, and will be a lien which has first priority against the property as provided by state statute;
 - 6. A statement that the final assessment may be paid in full or paid in installments if authorized by Code;
 - 7. A statement that the assessment shall be paid or financed, or an objection filed, within 20 days of the date of the notice. The statement must state that the objection must be in writing, must state the particular reasons for the objection, and must be filed with the City Auditor;
 - 8. A statement that if an objection is filed, the assessment shall be paid or financed within 20 days of the date of the notice of the final decision in

response to the appeal and the amount of assessment and interest shall date back to the date of the notice of the final decision; and

9. A statement that a delinquent final assessments may be collected by foreclosure and property sale.
- C. The City Auditor shall mail the proposed assessment notice by first class mail to the owners of the affected property. The notice shall be deemed given upon deposit U.S. mail.

17.28.160 Assessment of Charges

- A. The City Auditor shall refer to the City Engineer or responsible bureau all remonstrances and remove from further assessment action the proposed assessments which are associated with the remonstrances. The City Engineer or responsible bureau shall review each remonstrance by taking the following actions:
1. Determine whether the improvement work was required by Code and whether the conditions required the improvements, whether the required improvements are consistent with Code and City specifications, and whether the improvement charges are calculated as provided by Code; and
 2. Determine the extent of actions or adjustments which are necessary to bring the proposed assessment into compliance with Code and program standards; and
 3. Mail a statement of findings to the remonstrating property owner, and file a copy with the City Auditor. The findings shall include a statement that the property owner may appeal the determination to the Council.
- B. The Council shall conduct a public hearing on the proposed assessments, however is should be held no sooner than 20 days following the date of the proposed assessment notice as provided in this Chapter. The Council shall consider and make its determinations based on the requirements of this Code and the City specifications maintained by the City Engineer. The Council shall affirm or modify the proposed assessments based on its findings. The Council's decisions shall be implemented by ordinance which sets forth its findings and decision. The decision of the Council may be appealed to the court by writ of review.
- C. Following adoption of the assessing ordinance, the City Auditor shall mail a final assessment notice to the owners of the affected property as shown on the last available assessment roll in the office of the county assessor. The notice shall be deemed given upon deposit in the U.S. mail. The notice shall contain the following information:
1. The legal description and site address of the property;

2. The final assessment amount;
 3. A statement that the final assessment is recorded in the Docket of City Liens, and is a lien which has first priority against the property as provided by state statute;
 4. The manner and deadline for paying the final assessment in full or requesting to pay the final assessment in installments if authorized by Code;
 5. The interest, penalties and collections costs which shall be charged if the final assessment is not paid or an installment payment contract is not filed before the deadline contained in the notice; and
 6. A statement that delinquent final assessments may be collected by foreclosure and property sale.
- D. The City Auditor shall maintain a Docket of City Liens containing final assessments on property. Any unpaid final assessment shall be recorded in the City lien docket, and it shall be binding upon the property owner and all subsequent property owners of the property or any segregated part of it. The docket shall stand thereafter as a lien docket the same as ad valorem property taxes assessed in favor of the City against each lot or parcel of land until paid, for the following;
1. The amount of the unpaid final assessments docketed, with accrued interest at the rate determined by the City Council, or in the case of an installment contract, at the rate set forth in the contract, and
 2. Any additional interest, penalties, or billing charges imposed by the City with respect to any installments of final assessments which are not paid when due.
- E. All unpaid final assessments together with accrued and unpaid interest and penalties and billing charges are a lien on each lot or parcel of land respectively, in favor of the City and the lien shall have first priority over all other liens and encumbrances whatsoever.
- F. The City shall enforce assessment liens and installment payment contracts under this Chapter in the same manner as other City assessments as set forth in Title 5.

17.52.020 Sidewalks to be Kept Cleaned of Leaves and Organic Matter

It is the duty of the occupants of the premises or the owner of such premises, if the same is unoccupied, to keep the sidewalk clean from branches, leaves, flowers, fruit or other organic matter fallen thereon.

17.52.040 Curb or Sidewalk Damage from Ornamental Trees

When the curb or sidewalk, or both, abutting any land becomes damaged or in a state of disrepair because of an ornamental tree maintained by the property owner, the repair of the curb or sidewalk, or both, shall be treated as other curb or sidewalk repairs in accordance with the provisions of this Title. The removal of any tree or portion thereof as the City Engineer may determine necessary, shall be deemed a part of the curb or sidewalk repair.