



# **POLICY AND OPERATING GUIDELINES**

## **SIDEWALK MAINTENANCE PROGRAM**

CITY OF PORTLAND  
BUREAU OF TRANSPORTATION  
MAINTENANCE OPERATIONS GROUP

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## **Foreword**

*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 push toys; an informal meeting place for neighbors; and an encouragement for people to make more use of the most basic form of transportation - walking.*

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## **1. OVERVIEW**

### **History**

The City of Portland was established many years ago as a frontier settlement on a muddy riverbank. One of the first priorities was to construct a system of sidewalks as 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 wooden 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.

### **Legal Authority**

Today, 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, driveways and curbs. Both the Charter and Code sections pertaining to sidewalks, driveways, and curbs, are included in Appendix A and B.

## **2. GENERAL RESPONSIBILITIES**

The City Charter and Code delegates the oversight of the sidewalk system to the City Engineer and/or the PBOT Director. The City Engineer is responsible for developing and maintaining sidewalk construction and repair standards and that the sidewalk system is maintained to those standards.

Title 17 of the City Code identifies property owners as responsible for the construction, reconstruction, and maintenance of the sidewalk system abutting their property.

The general division of responsibilities between the City and property owners related to the sidewalk system is detailed below:

### **City of Portland**

The City of Portland, through the authority granted to the City Engineer and/or PBOT Director via the City Council, is responsible for the following:

- Inspecting the City's sidewalk system via complaint driven basis to keep the sidewalk system in good repair.
- Maintaining standards that govern how sidewalks are to be constructed and maintained.

- Providing means for citizens to report hazardous conditions.
- Notifying property owners when defects are found via a Sidewalk Inspector.
- Inspecting sidewalk repairs according to approved standards and determining the extent of repairs.
- Repairing sidewalk defects that are not addressed and/or improperly constructed by the property owner within specified time frames.
- Assessing, billing, collecting, and if necessary, imposing liens for sidewalk repair work completed by City crews or contractors hired by the City in the event the property owner does not properly complete the specified sidewalk repair work.

### **Property Owners**

Property owners are responsible and liable for maintaining sidewalks, driveways, and curb in combination with sidewalks that abut their property. This includes:

- Constructing, reconstructing, and maintaining sidewalks, driveways, and curb in combination with sidewalks. This includes repairing damage from ornamental trees.
- Obtaining related permits necessary for constructing, reconstructing, or maintaining sidewalks, driveways, and curb in combination with sidewalks.
- Paying for identified sidewalk repair work completed by City crews or contractors hired by the city on their behalf.
- Maintaining tree wells/grates, vault doors/lids, and planting strips.
- Removing snow and ice.
- Keeping sidewalks clean from branches, leaves, flowers, fruit, and other organic matter.

### **3. THE SIDEWALK MAINTENANCE PROGRAM**

With the exception of creating and maintaining sidewalk construction and repair standards, the City Engineer and/or PBOT Director delegates the oversight of the sidewalk system, known as the Sidewalk Maintenance Program, to the Sidewalk Maintenance office, within Maintenance Operations, Portland Bureau of Transportation.

#### **Inspection Frequency**

The Sidewalk Repair section has always responded to complaints of hazardous sidewalks.

The progression of inspections over the past thirty years has gone from routine inspections of all sidewalks within the city to complaint driven inspections only.

Due to budget constraints and limited resources, sidewalks are now inspected on a complaint driven basis only, in residential and commercial areas. Sidewalk Inspectors will inspect the specific address reported, and also inspect the general area for hazards and post accordingly. A guideline for the "general area" is the block face involved with the initial complaint. On blocks greater than 200 feet, a guideline of approximately 100 feet in each direction of the initial address/complaint will be used.

### **4. SIDEWALK REPAIR NOTICES (POSTINGS)**

#### **Excerpts from 17.28.070 Owners to Repair Sidewalks and Curbs Notice to Repair.**

"If the City Engineer finds that any such sidewalk or curb needs repair, he or she 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 send by mail a notice to repair the sidewalk or curb, or both, to the owner."

A Sidewalk Repair Notice or "posting" is the notice that is mailed to property owners notifying them that portions of the sidewalk adjacent to their property are in need of repair. The Sidewalk Repair Notice includes information such as the current property owner according to Multnomah County records, property address, legal description, affidavit number of the notice, and a diagram that shows where the areas of sidewalk that need repair are located. The diagram will describe the type of hazard and quantity of work needed.

### **How Sidewalk Repair Notices (Postings) are Generated**

- Sidewalk Repair Notices or "postings" are generated as a result of a complaint that a sidewalk is "bad and in need of repair" or there may be a report that someone has tripped and fallen.
- Information received regarding a hazardous sidewalk condition in the city right-of-way at a specific location will be transferred to a TrackIt form.
- An Inspector will inspect and post if necessary, the appropriate properties.

### **Elements of a Sidewalk Repair Notice (Posting)**

Following the inspection of a property, if hazards are found, the Sidewalk Inspector creates a Sidewalk Repair Notice which includes:

- Date of inspection.
- Address of the property.
- Affidavit of posting number.
- Legal property description.
- A detailed diagram of the posted hazard(s).

The affidavit number is part of the Sidewalk Repair Notice or "posting" and used as the permit number and reference number.

The diagram will indicate areas for repair necessary to eliminate the hazard(s) based on City Code and operating guidelines.

The time limit to complete repairs will be sixty (60) days.

### **Permits and Fees**

A repair permit is required to work in the city right-of-way. Sidewalk repair permits can be obtained in person from the Sidewalk Maintenance office located at 2929 N. Kerby Avenue, Portland, Oregon. A permit fee is associated with the permit. Permit fees are approved by City Council and are calculated based on square footage of needed repairs. Check with the Sidewalk Maintenance office at 503-823-1711 or [Sidewalkrepair@portlandoregon.gov](mailto:Sidewalkrepair@portlandoregon.gov) for current office hours and permit fees.

## **5. SIDEWALK REPAIR NOTICE (Posting Criteria)**

Inspectors are primarily looking for defects that may cause people to trip and fall, such as "stub toes" where the sidewalk is raised. Other hazards may include openings, spalled or chipped areas, wide cracks, deterioration, or 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 from property line to property line where there are existing sidewalks, driveways, carriage walks, curbs, and set back areas.

## **Posting Criteria for Sidewalks and Driveways**

### Stub Toes (Step Separation-Elevated Grade)

All "stub toes" latitudinal and longitudinal in the city right-of-way that are hazardous shall be posted for repair. A guideline of 1/2 inch vertical separation 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

Sidewalks that are raised 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 area is considered hazardous.

### Sunken Areas

Sidewalks and driveways that are sunken may be posted when it causes a trip hazard or has sunken 4 inches below the original grade.

### Root Damage at Adjoining Properties

Where a tree root has lifted the sidewalk or driveway on either side of the property line, both properties may be posted to correct and maintain the grade of the sidewalk or driveway for both properties. Each posted property will have a notation about the adjoining property. To maintain quality of work, the properties should be repaired together. They could be repaired separately by installing a temporary transition area that would later be replaced during the course of repairs made by the second property owner.

### Deteriorated Sidewalk

Sidewalk that is deteriorated will be posted by the Inspector when it is determined the original surface of the sidewalk has been compromised by freezing weather, use of salt on the concrete, or the sidewalk has been worn to the point the aggregate has been exposed causing a slip hazard.

### 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 or hazardous condition shall apply. Vault doors may be posted to apply slip resistant material.

### Bolts in Sidewalks

Traffic sign bolts and bases in the city right-of-way will be inspected and referred to the Traffic Maintenance Section at Maintenance Operations to install missing signposts or eliminate the hazard.

### Bike Racks

Hazards involving city installed bike racks will be referred to the Structures section at Maintenance Operations for repair. The adjacent property owner will not be charged for this work unless the concrete that the bike rack is attached to has been posted for repair.

When bike racks are involved within a sidewalk repair, a fee will be added to the Sidewalk Repair posting and permit to cover the cost of removal and replacement completed by Structures personnel at Maintenance Operations.

### 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, 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.

## **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 state of disrepair, or no longer will facilitate or control drainage.

Curb is the property owner's responsibility to repair when they are in combination with or abutting 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.

Note that curb, when separated from the sidewalk with a planting strip area that has not been willfully damaged, is the City's responsibility to maintain. Existing horse-rings are considered historical and will be replaced during curb repair projects.

## Tree Wells

Hazards found in and around tree wells will be posted for repair. If during an inspection, trees are found to be missing from tree wells, a notation is made on the posting to contact the City's Urban Forestry Division for tree replacement information.

## Bricks and Pavers

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

- Stub Toes in 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 Area - 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 Brick - 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.

## Corners

Corners are generally defined as the wedge or curb radius area between sidewalks. The corner area is the City's responsibility to maintain. Guidelines for posting and replacement of corners shall be the same as the guidelines used for sidewalks and driveways. Newly installed corners will comply with current ADA specifications.

## Historical Stamps

- Historic dates and street names in existing sidewalk corners will be preserved or re-stamped into the new concrete.
- Stamp the dates and/or street names in the curb as close to the original location as practical.

- Re-stamp the dates and street names exactly as they existed in the sidewalk corner. This includes miss-spelled works and names that are no longer used for the street name. However for dates, the original date with a slash and the current date are required to be re-stamped into the new corner curb. Refer to City Specification 00759.50 Surface Finishing.
- Do not preserve or re-stamp contractor names.

## **6. SIDEWALK REPAIR STANDARDS**

Repairs made to sidewalks, driveways, curbs and corners, will comply with current City Standard Construction specifications and ADA specifications.

## **7. WORKING AROUND 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, curb, or corner, and could possibly be damaged by the repair work, it will be necessary to contact the Urban Forestry Division at 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. Permitted sidewalk repairs in the City normally have a three year warranty except when tree roots are involved. Root inspection reports made on other posted properties are faxed to the Sidewalk Maintenance office where they are filed with corresponding posted property files.

When repairing sidewalks adjacent to trees, it may be necessary to modify the tree wells when necessary to maintain a minimum clearance of 5 feet for pedestrian passage in neighborhoods and 6 feet in the central business district in the downtown area and high pedestrian areas.

When repairing sidewalks damaged by roots the following actions may be taken to help reduce further root damage:

- Radius Blockouts - When 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 does not allow roots to be cut.

- Reduced Sidewalk - Sidewalks may be reduced by 1 foot if necessary for a 6 foot wide sidewalk, in cases where roots are encroaching into the sidewalk area and Urban Forestry does not allow roots to be cut.
- Ramp Over Roots - When roots are not allowed to be cut and removed as determined by Urban Forestry and/or when the depth of concrete over the roots will be less than 4" deep. This action may require additional sidewalk to be removed so that ramp slopes are gradual and meet American Disabilities Act (ADA) specifications.
- Drop Curb (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.

## **8. REPAIRS COMPLETED BY THE PROPERTY OWNER**

### **Initial Inspection and Notification**

Information received regarding hazardous sidewalk conditions in the city right-of-way at a specific location will be transferred to a TrackIt form. An Inspector will inspect and post if necessary the appropriate address(es).

Following the inspection of a property, if hazards are found, the Sidewalk Inspector creates a Sidewalk Repair Notice, stating the date of the inspection, legal property description, a detailed diagram of the posted hazard(s), and a repair estimate. The diagram will indicate areas for repair necessary to eliminate the hazard(s) per city code. The diagram will serve as the basis for City made repairs. Property owners will be given a minimum of **60 days** to complete repairs. If repairs are not completed within 30 days of initial notification, a reminder notice will be mailed including an approximate timeline for repairs by the city contractor.

### **Time Extensions**

Requests for time extensions will be granted if reasonable cause exists. The following conditions may cause the Sidewalk Maintenance office to grant a limited time extension for property owners to make repairs:

- New Property Owner - When the Sidewalk Repair/notice did not get disclosed to the new property owner while the property was being acquired, an additional 30 days extension may be granted to make repairs.

- Legal Questions - When there are legal questions or matters concerning ownership, responsibility, property lines, etc., extensions may be granted until legal questions have been answered.
- Plans for Construction - When a posted property will be affected by construction, temporary repairs may be required before the extension is granted.

### **Hiring a Contractor**

A contractor can be hired to make repairs if preferred. The City has no arrangements with any private contractors. It is recommended to get more than one bid. Check references of the contractor selected and check their CCB license to ensure it is current with the State Construction Contractor Board at [State of Oregon: Construction Contractors Board](#).

### **Obtaining a Repair Permit**

A repair permit is required to work in the city right-of-way. Permits can be obtained in person from the Sidewalk Maintenance office located at 2929 N. Kerby Avenue, Portland, Oregon, 97227. There is a permit fee associated with the permit. Check with the Sidewalk Maintenance office at 503-823-1711 or [Sidewalkrepair@portlandoregon.gov](mailto:Sidewalkrepair@portlandoregon.gov) for current office hours and permit fees. If you hire a contractor, the contractor will be responsible for obtaining the permit.

### **Form Inspections**

After all posted areas have been excavated to proper depth, forms have been set, barricades are in place, and all debris has been removed from the city right-of-way, call the Sidewalk Maintenance office at 503-823-1711 and request a form inspection. Provide the posted address and the affidavit number. An inspection card will be attached to a barricade on site indicating whether or not the formwork passed inspection.

If an inspection card reading "Do Not Pour Concrete" is given, the problem(s) needs to be corrected and another form inspection requested. Once an approved form inspection card is issued, "Permission Granted to Pour Concrete", the concrete may be poured. Inspection cards for businesses and rental properties will be placed in corresponding Sidewalk Repair Notice files in the office.

The forms and final Inspector will advise whether expansion or contraction joints (deep joints) will be installed and where they will be installed within the repair site. Concrete replacement will be tooled to match existing patterns and have a broomed finish per City Specifications

***Contraction Joints*** - Construct transverse contraction joints of the weakened plane or dummy type in the exposed surfaces of the concrete structures.

***Expansion Joints*** - Construct expansion joints of the pre-formed filler type in concrete structures. Expansion material is a pre-molded strip made of tar-impregnated black felt like material that can be purchased in most building supply stores. Gray recycled paper expansion material is not acceptable. Wood strips, including cedar and pressure treated lumber, are not acceptable as it decays over time. Expansion material will be used under the direction of the Sidewalk Inspector.

### **Form Consultations**

If there are questions about forming around roots after the root inspection has been made, contact the Sidewalk Maintenance office at 503-823-1711 and request a form consultation. When repairing sidewalks and driveways that have been damaged by tree roots, it may be necessary to replace additional concrete depending on the size and location of tree roots that are not allowed to be cut and removed. A temporary transition area may be needed.

### **Transition Areas**

In some cases it may be necessary to install a temporary transition area onto the neighboring property. This process allows repairs to be made without installing a hazard at the property line. Verify with a Sidewalk Inspector to determine the area needed to make a proper transition. If adjacent properties are repaired at the same time, a temporary transition area is not necessary.

### **Final Inspections**

When concrete work is completed, all forms are removed, all voids are backfilled with dirt and compacted to the top edge of the new concrete and job site has been cleaned up, a final inspection must be requested.

Call the Sidewalk Maintenance office at 503-823-1711 and request a final inspection. Provide the posted address and the affidavit number. If the work is found satisfactory, a "Repairs are Complete" inspection card will be left at the door, excluding businesses and rental properties, and the Sidewalk Repair Notice will be closed.

If work is found unsatisfactory, a "Repairs Not Acceptable" inspection card will be left at the door, excluding businesses and rental properties, listing corrections that need to be made. Another final inspection, and possibly another form inspection, will have to be requested.

Inspection cards for businesses and rental properties will be placed in the corresponding Sidewalk Repair Notice files in the office.

## **9. CITY REPAIR PROCESS - When Posted Repairs Have Not Been Completed**

### **Re-Check and Mark Out**

Prior to scheduling repairs to be made by City crews or contractors hired by the City, registered owners of property will be verified on affected Sidewalk Repair Notices. If upon re-checking it is found that the hazard has been repaired satisfactorily, a form inspection was made, and a permit was obtained, a "Repairs are Complete" inspection card will be left at the door and the Sidewalk Repair Notice will be closed. Inspection cards will not be left at the doors of businesses and rental properties but will be placed in the corresponding Sidewalk Repair Notice files in the office.

If upon re-checking it is found that the hazard has been repaired but a form inspection had not been made and/or a repair permit had not been obtained, a "Repairs Not Acceptable" inspection card will be left at the door with a notation that the property owner is required to obtain a repair permit to close the Sidewalk Repair Notice. It may be necessary to core drill test areas to confirm concrete has been poured to the proper depth. The property owner will be responsible for the cost of such testing.

Inspection cards will not be left at the doors of businesses and rental properties but will be placed in the corresponding Sidewalk Repair Notice file in the office.

Properties where the hazard has not been satisfactorily repaired will be marked out and scheduled for repair by City crews or the City contractor. Additional hazards found may be marked out for repair.

### **Notice of Unrepaired Posting (30 Day Letter)**

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 prior to work by the City crews or contractors hired by the City. A "Notice of Unrepaired Posting" letter is mailed before a 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 repair.

### **How the City Completes Repairs (City Contractor Repairs)**

The goal of the Sidewalk Maintenance Program is to repair sidewalks, driveway approaches, curbs, and corners 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.

### **Repair Charges - Proposed Assessment Notices**

The repair amount is calculated to recover all direct costs and applicable overheads. When repairs have been completed, billing 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 costs of the repair work, plus the City's assessment fee of 10% to cover costs of establishing and managing accounts.

### **Appeal Process - Remonstrance**

When work is completed on any reconstruction or repair of posted sidewalk, driveway or curb, the City Auditor's office will assess property owners on a quarterly basis. The City Auditor shall calculate a proposed assessment that includes the amount of the improvement charge plus 10% of the charge to defray the administrative costs of notice, assessment, and recording.

The City Auditor shall prepare a proposed assessment notice for the owner of each property or the owner's agent as shown in the County records. The notice shall be mailed at least 21 calendar days before the hearing on proposed assessments. Any owner assessed for sidewalk repair may file a remonstrance to the proposed assessment with the City Auditor. The remonstrance must be in writing and received by the City Auditor 8 days prior to the hearing. Upon receipt of a filed remonstrance the City Auditor shall remove the property from the filing of proposed assessment for further assessment investigation.

All disagreements regarding the proposed assessment for Sidewalk Repair 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.

After the Supervisor has investigated the remonstrance and after modifications, if any are made, the case file will be added back to the next scheduled assessment. If the concerned parties are still not satisfied, they can appeal directly to City Council through the public hearing process. The Council shall affirm or modify the proposed assessment based on its findings. The decision of the Council may be appealed to the court by writ of review.

### **Assessment**

Approximately twenty (20) 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 (30) 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 (30) day deadline, the City Auditor's office will add late interest, penalties and collection costs to the assessment.

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**

An installment payment contract is mailed from the City's Auditor's office with each final assessment notice. The contract describes the amount of the assessment, financing fees, the total lien amount, 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.

### **Senior Citizen Deferral of Assessment**

Currently there are no deferral programs.

## **10. HOW TO CONTACT US**

The Sidewalk Maintenance office is located at 2929 N. Kerby Avenue, Portland, Oregon, 97227, and can be contacted by calling 503-823-1711. The email address is [Sidewalkrepair@portlandoregon.gov](mailto:Sidewalkrepair@portlandoregon.gov).

Note: Additional portions of the City Charter, City Code, State and Federal requirements not shown in this document may apply to the construction and repair of sidewalks, driveways and curb within the City of Portland. Examples include but are not limited to, Title 5 Revenue and Finance, Title 10 Erosion and Sediment Control, Title 18 Noise Control, and American's with Disabilities Act (ADA).

## **APPENDIX A - RELATED EXCERPTS FROM THE CITY CHARTER**

Note: The following City Charter and Code provisions are current as of when this document went to print/live. PBOT will use reasonable efforts to update these provisions. For the most current versions please refer to [portlandonline](http://portlandonline).

### **Chapter 9: Local Improvements; Assessments; Collections**

#### **Article 4: Streets and Street Improvements**

##### **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 sidewalk. 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.

## APPENDIX B - RELATED EXCERPTS FROM 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, creating 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

#### **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**

(Amended by Ordinance Nos 182760, 183397 and 184957, effective November 25, 2011.)

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 Subsections B. and C. 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. Said property owner(s) shall be liable to the City of Portland for any amounts which may be paid or incurred by the City by reason of all claims, judgment or settlement, and for all reasonable costs of defense, including investigation costs and Attorney fees, by reason of said property owners' failure to satisfy the obligations imposed by the Charter and Code of the City of Portland to maintain, construct, and repair such sidewalks, curbs, driveways and/or parking strips.

B. Curbs shall be maintained by the City, except when in combination with the sidewalk and when they have been willfully damaged or damaged by tree roots. 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. Green Street or other public storm water management facilities located within the right of way shall be modified or repaired only by the City or under an appropriate permit from the Bureau of Environmental Services.

D. 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 Director of the Bureau of Transportation 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**

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

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 & Curbs – Notice to Repair**

(Amended by Ord. Nos. 183348 and 184957, effective November 25, 2011.)

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 or she 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 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, or if the post office address is unknown, the notice shall be directed to the owner or agent at the address where the notice was posted. 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**

(Amended by Ordinance No. 183348 and 186083, effective July 12, 2013)

After notice to repair defective sidewalk or curb, or both, has been posted, the owner, agent or occupant shall make the repairs within 60 calendar 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. The permit shall prescribe the kind of repair to be made, the material to be used, and specifications therefore, including the location and size. Any person desiring to construct or reconstruct sidewalk or curb, or both, shall first obtain a permit therefore and pay the fees elsewhere prescribed in Chapter 17.24.

**17.28.090 Repair by City of Portland**

(Amended by Ordinance No. 183348 and 186083, effective July 12, 2013.)

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 60 calendar 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**

(Amended by Ordinance No. 183348, effective December 18, 2009.)

**A.** When work is completed by the City 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 administrative costs of notice, assessment and recording.

**B.** The City Auditor shall prepare a proposed assessment notice for the owner of each property or the owner's agent as shown in the County tax records. The notice shall be mailed at least 21 calendar days before the public hearing on the proposed assessment, and the notice shall consist of the following information:

1. The legal description and site address of the property;
2. The amount of the proposed assessment against the property;
3. The manner and deadline for filing a written remonstrance to the proposed assessment amount;
4. The date, time and location of the public hearing for Council consideration of the proposed assessment; and
5. Contact information for sidewalk repair.

**C.** Any owner of property proposed to be assessed for sidewalk repair may file a remonstrance to the proposed assessment with the City Auditor. The remonstrance must be in writing and received by the City Auditor via US mail or hand delivered no later than 5:00 PM eight (8) calendar days prior to the hearing by the City Council on the proposed final assessment. Upon receipt of a timely filed remonstrance the City Auditor shall remove the property from the filing of the proposed assessment before the council hearing date, and shall refer the remonstrance to the responsible bureau for follow-up and response.

**D.** 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 in the U.S. mail.

**17.28.160 Assessment of Charges**

(Amended by Ordinance Nos. 182760 and 183348, effective December 18, 2009.)

**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.

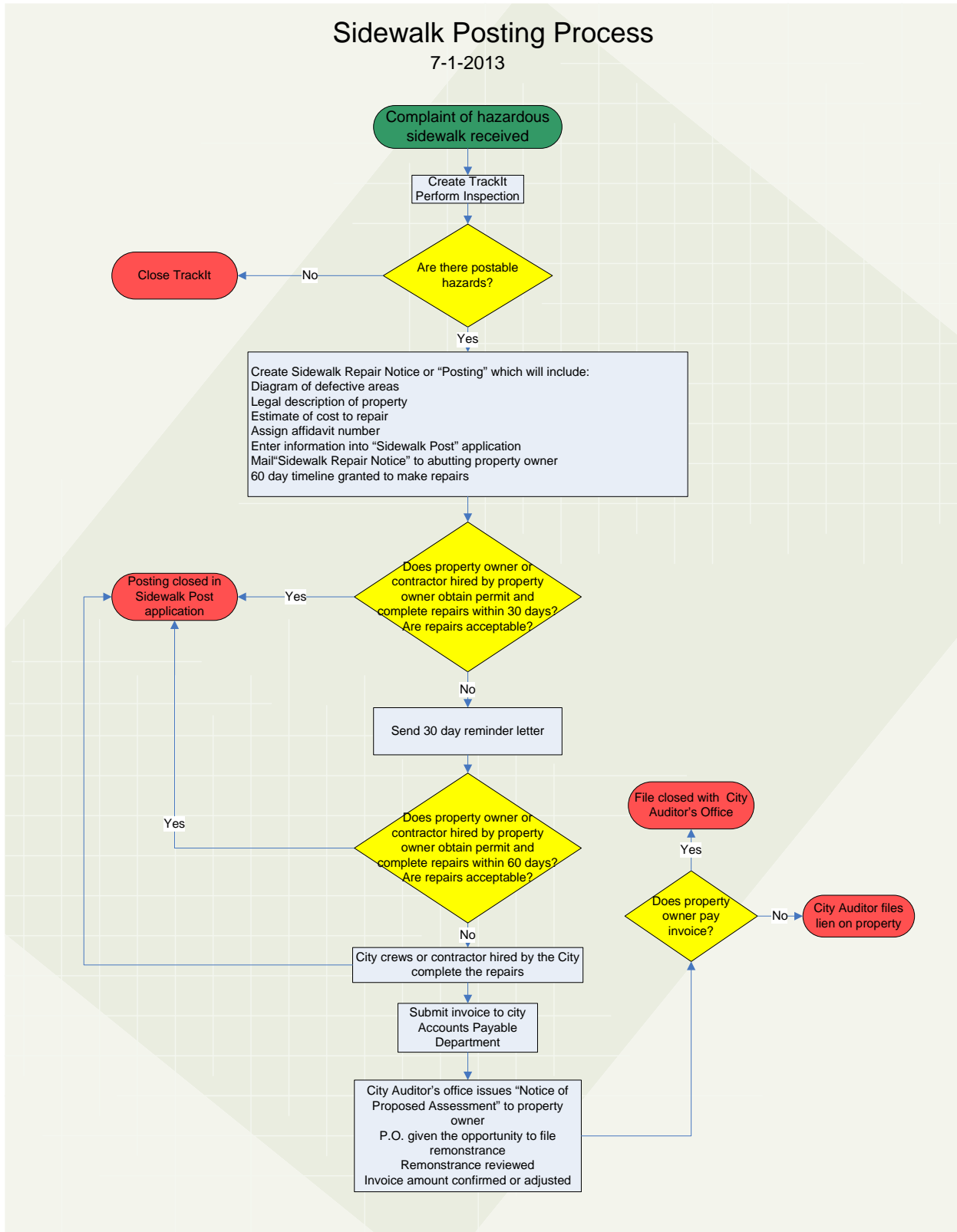
#### **17.52.020 Sidewalks Kept Cleaned of Leaves and Organic Matter**

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.

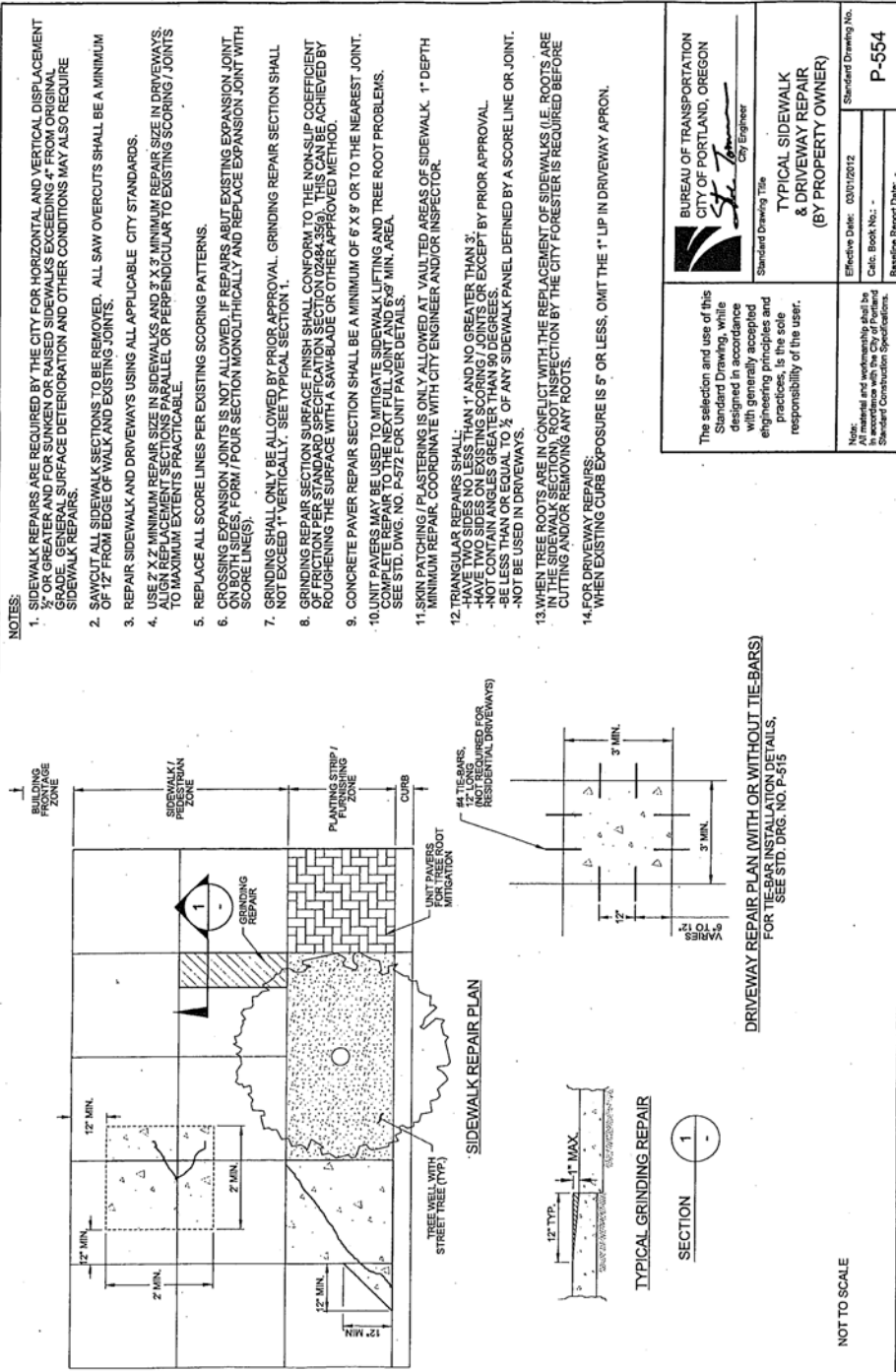
#### **17.52.040 Curb or Sidewalk Damage from Ornamental Trees** (Amended by Ordinance No. 184957, effective November 25, 2011.)

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 Director of the Bureau of Transportation may determine necessary, shall be deemed a part of the curb or sidewalk repair.

# APPENDIX C - SIDEWALK POSTING PROCESS FLOWCHART




# APPENDIX D - STANDARD SIDEWALK REPAIR DRAWING



**NOTES:**

1. SIDEWALK REPAIRS ARE REQUIRED BY THE CITY FOR HORIZONTAL AND VERTICAL DISPLACEMENT 1/2" OR GREATER AND FOR SUNKEN OR RAISED SIDEWALKS EXCEEDING 4" FROM ORIGINAL SURFACE. SURFACE DETRIORATION AND OTHER CONDITIONS MAY ALSO REQUIRE SIDEWALK REPAIRS.
2. SAWCUT ALL SIDEWALK SECTIONS TO BE REMOVED. ALL SAW OVERCUTS SHALL BE A MINIMUM OF 1/2" FROM EDGE OF WALK AND EXISTING JOINTS.
3. REPAIR SIDEWALK AND DRIVEWAYS USING ALL APPLICABLE CITY STANDARDS.
4. USE 2" X 2" MINIMUM REPAIR SIZE IN SIDEWALKS AND 3" X 3" MINIMUM REPAIR SIZE IN DRIVEWAYS. ALIGN REPLACEMENT SECTIONS PARALLEL OR PERPENDICULAR TO EXISTING SCORING / JOINTS TO MAXIMUM EXTENTS PRACTICABLE.
5. REPLACE ALL SCORE LINES PER EXISTING SCORING PATTERNS.
6. CROSSING EXPANSION JOINTS IS NOT ALLOWED. IF REPAIRS ABOUT EXISTING EXPANSION JOINT WITH SCORE LINES, FORM / POUR SECTION MONOLITHICALLY AND REPLACE EXPANSION JOINT WITH SCORE LINES(S).
7. GRINDING SHALL ONLY BE ALLOWED BY PRIOR APPROVAL. GRINDING REPAIR SECTION SHALL NOT EXCEED 1" VERTICALLY. SEE TYPICAL SECTION 1.
8. GRINDING REPAIR SECTION SURFACE FINISH SHALL CONFORM TO THE NON-SLIP COEFFICIENT OF FRICTION PER STANDARD SPECIFICATION SECTION 02484.35(G). THIS CAN BE ACHIEVED BY ROUGHENING THE SURFACE WITH A SAW-BLADE OR OTHER APPROVED METHOD.
9. CONCRETE PAVEMENT REPAIR SECTION SHALL BE A MINIMUM OF 6" X 9" OR TO THE NEAREST JOINT. UNIT PAVERS MAY BE USED TO MITIGATE SIDEWALK LIFTING AND TREE ROOT PROBLEMS. COMPLETE REPAIR TO THE NEXT FULL JOINT AND 6" X 9" MIN. AREA. SEE STD. DWG. NO. P-572 FOR UNIT PAVEMENT DETAILS.
10. SKIN PATCHING / PLASTERING IS ONLY ALLOWED AT VALUED AREAS OF SIDEWALK. 1" DEPTH MINIMUM REPAIR. COORDINATE WITH CITY ENGINEER AND/OR INSPECTOR.
11. TRIANGULAR REPAIRS SHALL:
  - HAVE TWO SIDES NO LESS THAN 1' AND NO GREATER THAN 3'
  - HAVE TWO SIDES ON EXISTING SCORING / JOINTS OR EXCEPT BY PRIOR APPROVAL
  - NOT CONTAIN ANGLES GREATER THAN 90 DEGREES.
  - BE LESS THAN OR EQUAL TO 1/2" OF ANY SIDEWALK PANEL DEFINED BY A SCORE LINE OR JOINT.
  - NOT BE USED IN DRIVEWAYS.
12. WHEN TREE ROOTS ARE IN CONFLICT WITH THE REPLACEMENT OF SIDEWALKS (I.E. ROOTS ARE IN THE SIDEWALK SECTION), ROOT INSPECTION BY THE CITY FORESTER IS REQUIRED BEFORE CUTTING AND/OR REMOVING ANY ROOTS.
13. FOR DRIVEWAY REPAIRS:
  - WHEN EXISTING CURB EXPOSURE IS 5" OR LESS, OMIT THE 1" LIP IN DRIVEWAY APRON.

The selection and use of this Standard Drawing shall be designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.	BUREAU OF TRANSPORTATION CITY OF PORTLAND, OREGON  City Engineer
	Standard Drawing Title <b>TYPICAL SIDEWALK                  &amp; DRIVEWAY REPAIR                  (BY PROPERTY OWNER)</b>
Effective Date: 03/01/2012 Calc. Book No.: - Baseline Report Date: -	Standard Drawing No. <b>P-554</b>

DRIVEWAY REPAIR PLAN (WITH OR WITHOUT TIE-BARS)  
 FOR TIE-BAR INSTALLATION DETAILS,  
 SEE STD. DRG. NO. P-575

NOT TO SCALE

## APPENDIX E - SIDEWALK POSTING STANDARDS

### SIDEWALK MAINTENANCE STANDARDS May, 2013

#### 1. Step separation or cracks.

Sidewalks will be posted for hazards when there is a vertical step separation equal to or greater than  $\frac{1}{2}$ ".



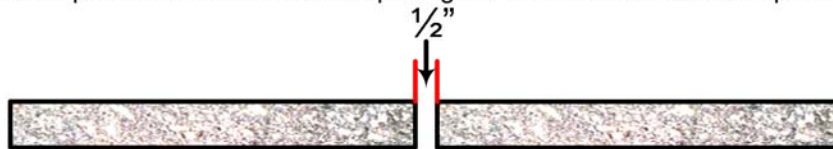
#### 2. Raised sidewalks.

Raised sidewalks may be posted for hazards when the apex (upper most point) of the raised area is greater than 4" from grade.



#### 3. Openings.

Sidewalks will be posted for hazards when openings or holes in the sidewalk equal or exceed  $\frac{1}{2}$ ".



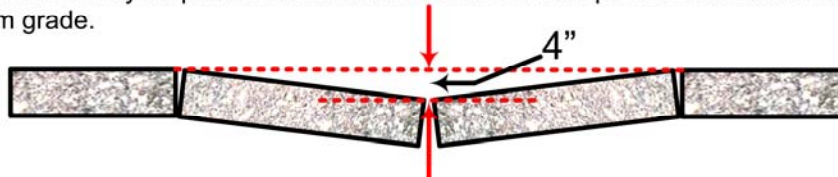
#### 4. Spalling sidewalks.

Sidewalks will be posted for hazards when the sidewalk surface is chipped or deteriorated to a depth equal to or greater than  $\frac{1}{2}$ ".



#### 5. Sunken sidewalks.

Sunken sidewalks may be posted for hazards when the lowest point of the sunken area is greater than 4" from grade.



#### 6. Excessive cross slope

Sidewalks may be posted if the cross slope exceeds 2%.

All criteria applies to sidewalk, driveway and driveway setback areas in the city right of way where concrete or asphalt exists.