

ORDINANCE No. 183348

Remove redundant and outdated language, reconcile conflicting Code revisions and amend regulations and permit charges for Sidewalks, Curbs and Driveways City Code Title 17 (Ordinance, amend Code Chapter 17.28, 17.24.020)

The City of Portland ordains:

Section 1. The Council finds:

1. Chapter 17.28, Sidewalks, Curbs and Driveways authorizes responsibility for sidewalk construction, maintenance and repairs to abutting property owners.
2. City Council approved PBOT Ordinance 182894 on June 10, 2009 which set cost recovery fees and rate charges in accordance with the FY09/10 Approved Budget, effective on July 13, 2009. This Ordinance established permit fees for Sidewalk Postings and Inspections.
3. Existing Title 17 code language lists both fee and free permits for sidewalk repairs. A revision to Title 17.28 is required to accurately reflect the sidewalk repair program and approved fees.
4. Ordinance 182760, which was approved by Council on May 6, 2009, revised existing rates for some Title 17 permits, while administrative authority allowed revision of other rates. A full list of current fees would be more efficient for public review of all Title 17 rates.

NOW, THEREFORE, the Council directs:

- a. Amend City Code Chapter 17.28, Sidewalks, Curbs and Driveways as follows:

17.28.070 Owners to Repair Sidewalks and Curbs – Notice to Repair

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 accordance with the plans, specification and regulations of the City. The City Engineer shall file with the Auditor an affidavit of the posting of the notice, stating the date when and the place where the same was posted. After filing, the Auditor 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 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

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 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 percent 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 consisting of the following information:
1. The legal description and site address of the property;
 2. The amount of the proposed assessment against the property amount;
 3. The manner and deadline for filing a written remonstrance 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; and
 5. Contact information for sidewalk repair.

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 assessment may be collected by foreclosure and property sale.~~

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.

DC. 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 Report of Past Due Bills— Assessment of Charges

Remainder of section is unchanged.

- b. Amend fee approved via Ordinance 182894 as set forth in Exhibit A of this Ordinance.
- c. Amend Figure 2, 17.24.020 as set forth in this Ordinance.
- d. Exhibit A "Transportation Service Fee and Rate Charges 2009" is binding city policy.

Passed by the Council, **NOV 18 2009**

Mayor Sam Adams
Prepared by: J.Rist/G.Wallace
Date Prepared: October 5, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland

By  Deputy

~~-1556-1623~~

v140

Agenda No. **183348**
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Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS	CLERK USE: DATE FILED <u>NOV 06 2009</u>
COMMISSIONER APPROVAL <i>Copies for Mayor Adams</i> Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u><i>[Signature]</i></u> Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Bureau of Transportation Bureau Head: Susan D. Keil, Director Other: <i>[Signature]</i>	ACTION TAKEN: NOV 12 2009 PASSED TO SECOND READING NOV 18 2009 9:30 A.M.
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes: <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date November 12, 2009	
<input checked="" type="checkbox"/> City Attorney Approval <i>[Signature]</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/> <i>Pulled</i>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	