

## City of The Dalles Ordinances

## GENERAL ORDINANCE NO. 91-1128

AN ORDINANCE REGULATING THE CONSTRUCTION AND ALTERATION OF SIDEWALKS AND CURBS, PROVIDING A PENALTY, REPEALING GENERAL ORDINANCE NOS. 585, 670, 669, AND 701, AS AMENDED, AND DECLARING AN EMERGENCY.

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

Section 1. Definitions. As used in this chapter, except where the context otherwise indicates, the following terms are defined as follows:

- A. "Council" means the city council.
- B. "Engineer" means the duly appointed city engineer or any consulting engineering firm who contracts with the City to provide engineering services.
- C. "Person" means every natural person, firm, partnership, association or corporation.
- D. "Sidewalk" includes curbs.

Section 2. Standards and Specifications. Sidewalks and curbs shall be constructed, altered, and repaired in accordance with standards and specifications determined by the Engineer and adopted by the Council, by resolution or otherwise.

Section 3. Permit - Required - Application- Fee - Issuance.

- A. No person shall construct, reconstruct, or repair any sidewalk or curb in or upon any public street or right-of-way without first obtaining a permit from the City, and complying with the provisions of the City's tree ordinance.
- B. An application for a permit shall be filed with the City on a form provided by the City, together with such other information and data as may be required by the Engineer.

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- C. An applicant for a permit shall pay a permit fee to the City, which fee shall be set by Council by resolution.
- D. After determining that the improvement is to be constructed in accordance with standard City specifications and after the permit fee is paid to the City, the City shall issue a permit for the work.

Section 4. Inspections authorized. The Engineer shall make such inspections as in his judgment may be required to determine that the construction of any improvement for which a permit has been issued is proceeding in accordance with the standard City specifications.

Section 5. Construction - Findings required. If any of the following conditions are found to exist, then the Council may proceed in the manner set forth in Sections 6 and 7:

- A. Fifty percent or more of the footage of properties on one side of a street between two (2) intersecting streets from that side have sidewalks that meet the standards prescribed by City regulations for new sidewalk construction; or
- B. Fifty percent or more of the footage of properties on one side of a street in any distance of three hundred feet or less into which no intersecting streets enter from that side have sidewalks that meet the standards prescribed by City regulations for new sidewalk construction; or
- C. A dangerous condition to pedestrians or vehicular traffic exists in a street area; or
- D. There is a general public necessity that a street be improved by the construction of a sidewalk thereon not to exceed one (1) block in length if platted as a block or three hundred feet if not platted, which sidewalk would connect with the sidewalk or sidewalks already constructed on such street or on cross streets intersecting therewith; or
- E. A person constructing a new residential or commercial structure shall construct sidewalks and curbs necessitated by improvement of any street which is adjacent to the person's property. The City may waive this requirement if construction of the sidewalk and curbs is impracticable, or if construction would cause an economic hardship, due to topographic or physical conditions.

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1. As part of a land use review decision, in the event the Community Development Director or his or her designee has determined, pursuant to a review of the applicable criteria set forth in Section 3 of Resolution No. 07-007 that installation of a sidewalk is not required at the time of development, the applicant submitting the request for the building permit for a new residential unit or units, or for a planning action, shall pay the amount established by the City annually on a front footage basis, into the City's local improvement district fund, subject to any provision for multi-frontage lot relief. [As amended by Ordinance No. 07-1278, adopted by City Council February 12, 2007.]

Section 6. Construction - Notice and hearing. The Council, after making its findings, shall then, by resolution, declare its intention to have such sidewalks constructed and shall proceed as provided by Section 4 of General Ordinance No. 91-1127 to have a hearing; and after the hearing, unless there is a sufficient showing to the satisfaction of the Council that the sidewalks are not necessary, the Council shall order the construction of the sidewalks in front of the properties affected, with such sidewalk to meet City requirements. Notice of the decision of the Council shall be made by written notice to the record owners of the property, at their last known addresses as shown on by the records of the County Clerk or County Assessor, and such owners or their successors shall have a period of sixty (60) days in which to cause such sidewalks to be constructed.

Section 7. City construction. If a sidewalk is not constructed within sixty (60) days as required, after the order for construction has been given by the Council as provided by this section and Section 6, then the City may construct a sidewalk for the full street frontage in front of such property and proceed with such construction and the assessment and collection of the costs for such improvements, as provided by General Ordinance No. 91-1127.

Section 8. Sidewalk Construction Requested by the Property Owner. If a property owner petitions the Council for an order to build a sidewalk on the part of the street abutting on his or her property, agrees to pay cash or to make an application to pay the cost in installments as provided by the Bancroft Bonding Act, as amended from time to time, waives the right of service and publication of notice of construction, and consents to the assessment of the property upon which the sidewalk abuts, the Council may order the construction of the sidewalk, if in its judgment the sidewalk should be built.

Section 9. Penalty. Violation of this ordinance is punishable by a fine of not to exceed \$500. Each day's violation of a provision of this ordinance shall constitute a separate punishable offense.

Section 10. Repeal. General Ordinance Nos. 585, 669, 670, and 701, as amended, are hereby repealed.

Section 11. Emergency. Whereas the charter of the City of The Dalles provides that the procedure for the construction of sidewalks shall be provided for by ordinance, and it is in the interest of public health and safety that sidewalks be constructed in a safe and proper manner; now, therefore, an emergency is declared to exist, and this ordinance shall go into full force and effect immediately upon its passage and approval.

Passed by City Council and approved by the Mayor June 11, 1991.