

City of The Dalles Ordinances

GENERAL ORDINANCE NO. 91-1129

AN ORDINANCE DECLARING RESPONSIBILITY AND
LIABILITY FOR MAINTENANCE OF SIDEWALKS, AND
DECLARING AN EMERGENCY.

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

Section 1. Owner responsibility and liability.

- A. It shall be the duty of the owner or owners of lots or tracts of land abutting or adjoining the streets within the City to maintain the sidewalks extending along, in front of or abutting or adjoining such streets, in good repair and a safe condition.
- B. The City of The Dalles shall be exempt from liability for damage or loss to person or property sustained as a result of a defective condition of any sidewalk. The owner of real property abutting a sidewalk is liable for any personal injury or property damage which occurs because of the owner's failure to maintain the sidewalk in good repair or safe condition.
- C. If the City is required to pay damages for personal injury or property damage caused by the failure of an owner to maintain a sidewalk in good repair or safe condition, such owner shall reimburse the City for the amount of the damages thus paid, and for the attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.
- D. For purposes of this ordinance, "sidewalk" shall include "curb".

Section 2. Notice of disrepair. If any sidewalk has deteriorated to such an extent as to render the same unserviceable or unsafe, the City may give notice of such condition by personally serving a printed or written notice upon the owner or owners thereof; or if such personal service cannot be made on the owner or owners, similar service may be made upon the person or persons living in or upon such premises; or if such premises be vacant, then upon the person or persons having charge and custody of such premises; or if service of notice cannot be made upon any of the persons named in the manner above provided, then by posting the notice in a conspicuous place upon the premises; and in all such cases where notice is not made

personally upon at least one of the owners, a copy of the notice may be mailed to the owner or owners of record at their address as shown by the records of the Wasco County Clerk or Wasco County Assessor. Such notice shall demand that such defective sidewalk shall be repaired or rebuilt as shall be required to make the same both serviceable and safe within the time stated, which time shall not be less than twenty-four (24) hours nor more than thirty (30) days; or if the same is not so done within the time set forth in the notice, or with any extension of time granted by the City, the City shall proceed to repair or rebuild such sidewalk, and assess the cost thereof to the property; and the same shall be a lien upon such premises under the authority and in the manner contained in this ordinance. Any such sidewalk shall, when so repaired and rebuilt, conform to any rules, regulations or requirements for the same then in force within the City. [As amended by Ordinance No. 97-1219, passed by City Council and approved by the Mayor December 8, 1997.]

Section 3. City repair - Lien. If, within the time fixed in such notice, or within any extension of time granted by the City, such sidewalk has not been rebuilt or repaired as required, then the City Engineer may cause such sidewalk to be rebuilt or repaired and placed in good condition to meet the standards required by the City. The City shall then cause the costs of such repair and placing in good condition to be assessed against the lot, lots or tracts of land abutting such sidewalk, in the same manner as in an assessment for a local improvement. Such assessment shall be declared by ordinance and shall be entered in the docket of City liens, and shall thereupon become a lien against the property, and the creation of such lien and the collection and apportionment of such lien shall be done and performed substantially in the same manner as assessments for local improvements, but irregularities or informalities in the procedure shall be disregarded. [As amended by Ordinance No. 97-1219, passed by City Council and approved by the Mayor December 8, 1997.]

Section 4. Emergency. Whereas it is in the interests of public health and safety to require property owners to maintain sidewalks in good repair, and to establish a procedure to ensure that such repairs are made, 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.