

Amended by ORD. 3348
See 12 Repe by Ord 3067

ORDINANCE NO. 3315

AN ORDINANCE RELATING TO THE CONSTRUCTION OF SIDEWALKS AND CURBINGS WITHIN THE CITY OF ALBANY, OREGON, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

RECITALS:

WHEREAS, volumes of vehicular traffic on the streets of Albany have increased to the extent that the safety of school children and other pedestrians using such streets has become a matter of concern, and

WHEREAS, other factors such as sidewalk width, sidewalk location in relation to property lines and curbs, tree planting wells, width of parking strips, extent of development in relation to need for sidewalks, type of street, type of zone and size of lots are all elements relating to sidewalk construction and should be considered in addition to previously established standards, and

WHEREAS, the establishment of sidewalk location is necessary in order to provide a guide to persons planting trees and other vegetation within the right of way of city streets and to utility companies in the development of plans for the extension of facilities, now therefore

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

Section 1: MATERIAL SPECIFICATIONS

That all sidewalks that may hereafter be constructed within the City limits of the City of Albany shall be constructed in accordance with specifications as approved by the City Council.

Section 2: WIDTH SPECIFICATIONS

- (a) That all sidewalks constructed within the C-1 Downtown Commercial Zone shall be so constructed as to cover the entire area between the curb and the property line.
- (b) All other sidewalks shall be constructed to a minimum width of (5) feet in addition to the curb width.

Section 3: PARKING STRIP PAVING

That portion of the street designated the parking strip, lying between the curb and the sidewalk, if paved, shall be constructed in conformance with the specifications for sidewalks. Parking strips measuring eighteen (18) inches or less between the sidewalk and the curb must be paved.

Section 4: SIDEWALK LOCATION

That all sidewalks constructed adjacent to any street within the City of Albany shall be constructed adjacent to the curb unless such construction deviates from the sidewalk location pattern previously established in a block or unless the street has been designated an arterial street by the City Council. Sidewalks constructed adjacent to arterial streets shall be constructed abutting the property line.

Section 5: PLANTING WELLS FOR TREES OR OTHER VEGETATION

Planting wells in sidewalks for trees or other vegetation are permitted in sidewalks providing the well measures no less than (3) feet in any lateral dimension; that no less than one foot of sidewalk is constructed between the curb and the edge of the planting well and further provided that no less than four feet of sidewalk is constructed between the planting well and the property line. Planting wells shall be so constructed as to provide protection against growth of weeds or wild grass.

Section 6: CONFORMANCE TO STREET GRADES

That all sidewalks that may hereafter be constructed as provided for in this ordinance, shall be placed upon the street grade as the same is now established, or that may be established from time to time, and shall conform to the official street grades, and the space between the property line and the sidewalk, where such space is left, and the space between the sidewalk and the curb along the same, shall be filled and surfaced with earth or other approved material level with the sidewalk; and when the sidewalk is completed, the same shall be inspected by the City Engineer or his representative.

Section 7: APPLICATION FOR A PERMIT

Every person, firm or corporation desiring to construct sidewalks as provided by this ordinance, shall, before entering upon said work or improvement, apply for a permit to so build or construct to the Building Inspector.

Section 8: SIDEWALK CONSTRUCTION IN CONNECTION WITH NEW BUILDINGS

(a) Concurrently with the issuance of any building permit for the construction of any dwelling, multiple dwelling or business structure, except for structures within an industrial zone, the owner, builder or contractor to whom the building permit is issued shall obtain a sidewalk construction permit for the construction of a sidewalk within the dedicated right of way for the full street frontage in which a sidewalk in good repair does not exist. The sidewalk shall be constructed in conformance with the provisions of this ordinance. The occupancy permit provided by city ordinance shall not be issued until the sidewalk has been completed.

(b) The City Engineer may issue a permit and certificate allowing non-compliance with the provisions of Section 8 of this ordinance to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

1. Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time.
2. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk.
3. Street right of way is insufficient to accommodate a sidewalk on one or both sides of the street.
4. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically unfeasible.

Section 9: INITIATION OF SIDEWALK CONSTRUCTION BY THE CITY COUNCIL

In the event one or more of the following situations are found by the Council to exist, the Council may adopt a resolution to initiate construction of a sidewalk in accordance with city ordinances:

1. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard.
2. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other generators of pedestrian traffic and sidewalks are necessary to eliminate the hazard.
3. Fifty per cent or more of the lots in a given block have been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings.
4. Vehicular traffic on a given street is made hazardous because of the use of the same street by pedestrians.

Section 10: REPAIRS TO SIDEWALKS

The provisions of this ordinance shall supplement existing ordinances in the matter of repairs to sidewalks already built, and shall be observed and enforced in the matter of repairs to sidewalks as definitely as in the case of construction of a new sidewalk.

Section 11: RIGHT OF APPEAL

Any person, firm or corporation may exercise his right to appeal any requirement of this ordinance or the administration thereof to the City Council. An appeal may result in granting of a permit and certificate of non-compliance provided the matter has been first submitted to the Planning and Zoning Commission for their recommendation.

Section 12: PENALTY FOR VIOLATION

Any person, firm or corporation, or their agent or agents violating any of the provisions of this ordinance shall, upon conviction thereof before the Municipal Court of the City of Albany, be punished by a fine of not more than \$100.00 or by imprisonment in the City Jail for a period of not more than twenty (20) days, or both, at the discretion of the court. Each day of non-compliance or violation shall be considered a separate offense.

Section 13: CONFLICTING ORDINANCES REPEALED

That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 14: EMERGENCY CLAUSE

WHEREAS, the peace health and safety of the people of the City of Albany require that this ordinance shall become immediately effective, therefore an emergency is hereby declared to exist and this ordinance shall be immediately effective upon its final passage by the Council and approval by the Mayor.

Passed by the Council: September 27, 1967

Approved by the Mayor: September 27, 1967

Raymond W. Tripp
Mayor

Effective Date: September 27, 1967

ATTEST:

Ernest W. Latham
City Recorder