

TITLE 8
CHAPTER 2

STREETS AND SIDEWALKS

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8-2-1: STREET NAMING AND NUMBERING:

8-2-1-1: SYSTEM ESTABLISHED: There is hereby established a uniform system of numbering all houses and buildings fronting on all streets, avenues, alleys and highways in the City, and allowing for future growth within the City.

Where practicable all north-south streets through the City shall be named with the names matching the coastal theme of our region: aquatic sea life, native plants, or historic names of local events or people; and where practicable all east-west streets through the City shall be in numerical order. (Amended by Ord. No 1, Series 2007)

This Section shall not affect any name or numbering changes at the time of its passage.

Subdivisions and future expansion of the City must conform where practicable or be approved by the City Council. (Ord. 618, 11- 26-79)

8-2-1-2: NUMBERS ASSIGNED: The Building Official shall assign to each house and building, as permits are issued, the appropriate number. The north side of the street shall be odd numbered, south side shall be even numbered, east side shall be even numbered, and the west side shall be odd numbered. The number and street assigned shall be based on the location of the front door (irrespective of the front yard as defined for zoning purposes.) The cost of such numbers shall be borne entirely by the owner of such house or building. Such numbers shall be placed within thirty (30) days upon completion of a house or building. Such numbers shall be at least three inches (3") in height and shall be placed on the house so as to be visible from the street. (Ord. 618, 11-26-79; amd. 1981 Code)

In addition the owner shall paint and maintain address numbers on the curb face using a black background with white numbers at least four inches (4") in height. (Amended by Ordinance No. 1, Series 2007)

8-2-2: STREET OR PUBLIC WAY OPENINGS:

8-2-2-1: DEFINITION OF SURFACE: "Surfaced area", as used herein, shall be defined as including: crushed rock or gravel, asphaltic concrete pavement, Portland cement concrete pavement, oil mat, penetration or macadam surfacing, and any other type of surfacing applied to a traveled way which has the effect of improving said traveled way for pedestrian or vehicular traffic. (Ord. 394, 7-22-63; amd. 1981 Code)

8-2-2-2: PERMIT REQUIREMENTS:

- A. Required: No person shall make any cut, opening, trench or otherwise disturb any street or alley right of way or any surfaced street, alley, sidewalk or other public way for vehicular or pedestrian traffic within the City without first making an application for and securing a permit therefor. Boring is recommended for any street utility crossing. Street utility cuts shall be allowed only where there is no reasonable alternative, as determined by the Public Works Director. Pavement restoration by the applicant or a fee in lieu of repair shall be required.
- B. Fee: A permit fee set by resolution will be charged for each permit issued. This fee is to cover administrative and inspection costs and is not refundable.
- C. Deposit or Bond Required: To ensure that the surfaced area is replaced and that improvements within public rights of way, including measures to stop erosion, be restored, a deposit or bond may be required.
 - 1. The deposit or bond shall be an amount equal to the estimated cost of replacing improvements which plans indicate may be disturbed or removed, as determined by the Public Works Director. The Public Works Director may waive this requirement if damage will be negligible.
 - 2. The permit application shall show the location and extent of the proposed work. The Public Works Director may require that plans be prepared by a licensed engineer when it appears that the extent or location of the work warrants this requirement.
 - a. For projects of over 100 lineal feet in a public right of way three copies of the plans shall accompany the permit application. The submitted plans shall be reviewed by the City Manager, affected departments and the City Engineer.
 - b. Any major changes required by the Director of Public Works shall be redrawn and stamped by project engineer.
 - c. Minor changes required by the Director of Public Works shall be "redlined" on plans.
 - d. Plans shall be stamped "approved" by the Public Works Director. Two sets shall be retained by City, the applicant's copy of the approved plans shall be attached to the permit when issued.
 - 3. Inspections Required:
 - a. The Public Works Director may require City Inspections at certain steps during construction of a project, and all work shall be performed to the satisfaction of the Public Works Director before (s)he releases the deposit or bond.
 - b. Required inspections shall be listed and attached to the permit.
 - c. Any conditions of final approval shall be listed and attached to the permit.
 - d. Costs of inspections not performed by permanent City employees shall be paid by the permit holder.
 - 4. Procedure for Acceptance of Improvements:

Improvements constructed under a permit required by this subsection shall be accepted by the City in the following manner.

- a. The Director of Public Works shall give written certification to the City Manager that:
 1. All required tests and inspections have been completed on the improvements plans.
 2. Plans showing the improvements as built are filed with the Director of Public Works.
 3. Other than duly recorded land partition maps, all documents regarding rights-of-way, easements and any improvements within have been submitted and approved by the City Attorney.
 4. The project has been completed according to approved plans.

D. Standards and Specifications Adopted:

1. The City Manager shall prepare standard specifications for construction, reconstruction or repair of streets, sidewalks, sewers and other public improvements to be constructed in the City. These will be kept on file at City Hall.
2. All public improvements shall be constructed according to the standard specifications of the City. (Ord. 714, 3-27-84)

8-2-2-3: PAVEMENT RESTORATION:

- A. Required: All cuts, openings, trenches or any other disturbance of any surfaced area shall be repaired and replaced to their original condition and to the satisfaction and approval of the Public Works Department of the City, within ten (10) days from the date of commencement of said opening, cutting, trenching or otherwise disturbing of any surfaced area.
- B. Work by City: The full amount of the deposit as required in Section 8-2-2-2C above will be refunded to the party depositing the same, provided the surfaced area is repaired to the satisfaction of the Public Works Department of the City, within the ten (10) day period provided for in subsection A above. In the event that said surfaced area is not repaired within the ten (10) day period by the permit holder, then said surfaced area will be repaired by the Public Works Department of the City and the full amount of the deposit will revert to the City Street Maintenance Fund to cover the costs of repair. (Ord. 394, 7-22-63)

8-2-3: SIDEWALK CONSTRUCTION:

8-2-3-1 PERMIT REQUIREMENTS:

- A. Required: Every person desiring to construct sidewalks or curbs, or both, or repair existing sidewalks and curbs, as provided by this Section, shall, before entering upon said work or improvement, apply for a permit to so build or construct, to the City Building Department, and shall so state in explicit terms the character of the sidewalk or curb, or both, to be built or repaired.
- B. Guarantee: Any application for a curb cut on any paved street must carry the written guarantee of the person making the application that the area between the curb cut and the property line will be hard-surfaced in a manner suitable to the Public Works Superintendent.

8-2-3-2: PAVEMENTS:

- A. Required Surface: All sidewalks and curbs that may hereafter be constructed within the City limits, except as hereinafter provided, shall be made of concrete and of the dimensions and constructed in the manner as set forth in this Section.
- B. Asphaltic Concrete Pavement: In those instances and locations where the installation and construction of asphaltic concrete curbs is in accordance with the overall existing construction and in other locations where deemed feasible and/or not in conflict with the general existing construction, the City Council may, at its discretion, grant authorization for the construction of asphaltic concrete curbs and sidewalks. Construction of asphaltic concrete curbs or sidewalks will be in accordance with specifications set forth by the Public Works Superintendent. No permit will be issued for construction of asphaltic concrete sidewalks or curbs until approved by action of the Council.

8-2-3-3: MINIMUM STANDARDS: All materials and workmanship for sidewalks and curbs that may hereafter be constructed within the City limits shall conform to the following minimum standards:

- A. Concrete Materials: Concrete mix for sidewalks and curbs shall consist of Portland cement, clean sand, clean concrete gravel and water in sufficient quantities to achieve a twenty eight (28) compressive strength of at least two thousand five hundred (2,500) pounds per square inch when tested in accordance with applicable standards of the American Society for Testing Materials.
- B. Pre-Molded Expansion Filler Material: Shall be one-half inch (1/2") thick and shall be placed along walks, curbs and driveways at points not greater than thirty five feet (35'). All bituminous expansion fillers shall be cut to the exact cross-section of the walk or driveway and shall be flush with all surfaces.
- C. Curing Materials: During the forty eight (48) hour period following the placing of concrete, it shall be protected by methods approved by the Public Works Superintendent from the detrimental action of the elements. If a plastic film or waterproofed paper is used for curing, concrete shall be wetted once before film is placed; then left on for at least forty eight (48) hours.
- D. Forms, Materials: All sidewalks, curbs and driveways shall be built within forms which shall have sufficient strength, weight and support to retain their position until the concrete has set. Forms shall conform to the shape, line, grade and dimensions called for in the project plans or as approved by the Public Works Superintendent.

All forms shall be inspected by the Public Works Superintendent prior to placement of any concrete. Irregularities or errors in grade and alignment shall be corrected to the satisfaction of the Public Works Superintendent prior to the placement of concrete. Extruding machines will be allowed when approved by the Public Works Superintendent.

- E. Workmanship: All sidewalks shall be three and five-eighths inches (3 5/8") minimum thickness and five and five-eighths inches (5 5/8") minimum across driveways. Sidewalks shall have a fall of twenty-five thousandths inch per foot (.025" - 1') from the property line toward the curb unless otherwise directed by the Engineer. Driveways shall slope uniformly from the property line to a point one inch (1") above the gutter grade.

Sidewalks shall be divided into square blocks of no greater dimensions than seven feet (7'), by joints running across the walk at right angles to their length. Each joint shall be plainly marked with a deep

cutter two inches (2") in width. The edges of all blocks shall be smoothly rounded with a three-inch (3") edger and be free from broom marks. All walks and drives shall receive a broom finish.

Driveways shall have sidewalks marked through their length and shall be poured independent of walks and curbs and be separated by a cold joint or one-half inch (1/2") expansion joint and variations in grade profile should not deviate more than one-fourth inch (1/4") when measured with a ten foot (10') long straight edge.

All sidewalks constructed or relayed within the corporate limits of the City shall be a minimum of five feet (5') in width, and have wheel chair ramps at intersections.

Curbs and gutters shall be set so that their top and the alignment and distance from the established street grades and centers are as prescribed in the approved project plans or as approved by the Public Works Superintendent. Curbs and gutters shall be constructed in accordance with standard curb and gutter specifications on file in the City Hall. (Ord. 597, 3-13-78)

8-2-3-4: GRADES, LOCATIONS AND INSPECTIONS:

- A. Grades: All sidewalks and curbs that may be hereafter constructed as provided for in this Section, shall be placed upon the street grade as the same is now established or that may from time to time be established, and shall conform strictly to the official street grades.

- B. Location: All new sidewalks shall be installed according to a plan approved by the City. When repairing existing sidewalks, the section repaired or added should conform in location with the original sidewalk, unless, in the opinion of the Public Works Director, relocation is required.

- C. Final Inspection: Upon completion of work, a final inspection is required. The Public Works Director, or his representative, shall inspect and approve or reject the project. If rejected, a reasonable time limit shall be set and repairs shall be done to his or her satisfaction. (Ord. 696, 8-2-83)

- D. Driveway Locations:
 - 1. Except as provided in subparagraph 2 of this paragraph new and relocated driveways shall be allowed no closer than twenty-five feet (25') to any street intersection. Existing non-conforming driveways may remain in their present location if, in the opinion of the Chief of Police, the location is not hazardous.

 - 2. A new or relocated driveway may be located nearer than twenty-five feet (25') to an intersection under any one of the following circumstances:
 - a. The building lot is too narrow to accommodate the correct location.

 - b. An existing building prohibits locating a driveway at the correct distance.

 - c. Planned improvements or traffic circulation patterns show a different location to be efficient and safe. (Ord. 1, Series 1985)

8-2-3-5: REPAIRS BY OWNER:

- A. Required: It is hereby the duty of all owners of land adjoining any street in the City to maintain in good repair the sidewalks in front of said land and to reconstruct abandoned driveways with sidewalks and full-height curbs and gutters. The Council shall have the power and authority to determine the grade

and width of all sidewalks, the materials to be used, and the specifications for the repair thereof, upon any street or part thereof, or within any district in the City.

- B. Liability: The owner of the land adjoining any street in the City shall be liable to any person suffering injury by reason of the owner's negligent failure to comply with section 8-2-3-5-A.
- C. The City shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the defective or dangerous condition of any sidewalk, or driveway approach, or the City's failure to provide notice as provided in Section 8-2-3-5-D.
- D. Notice of Defects: If the owner of any lot or part thereof or parcel of land shall suffer any sidewalk along the same to become out of repair or shall cause a driveway to become abandoned, upon learning of the condition, the City shall post upon the property in front of which a sidewalk or curbing is to be reconstructed or constructed in lieu of a driveway, which notice shall, in legible characters, direct the owner, agent or occupant of the property, within sixty (60) days from the date of such posting, to construct or reconstruct said sidewalk and curbing, as in such notice is provided, to conform to the adjoining sidewalk and curb, as the Public Works Superintendent may direct. The authorized representative of the City posting the notice shall file with the Recorder an affidavit of the posting of such notice, stating the date and place where the notice is posted. The City Recorder shall, upon receiving the affidavit, send by mail a notice to construct or reconstruct the sidewalk or curbing to conform to the adjoining sidewalk and curbing, as the City may direct, such notice to be mailed to the owner, if known, of such property. If such post office address is unknown to the City Recorder, such notice shall be directed to the owner or agent as is shown by the assessment records of the Assessor of the County of Lane, State of Oregon. A mistake in the name of the owner or agent, other than that of the true owner or agent of such property shall not render the notice void, but, in such case, a posted notice shall be sufficient. The owner, agent or occupant, before constructing or reconstructing the sidewalk or curbing, as in the notice provided, shall obtain from the City a permit so to do in accordance with Section 8-2-3-1A hereof. (Amd. by Ord. NO. 1, Series 2000 to go into effect 3/7/2000)

8-2-3-6: REPAIRS BY CITY: If the owner, agent or occupant of any such lot or part thereof, or parcel of land shall fail, neglect or refuse to make the sidewalk repairs within the time designated in Section 8-2-3-5C above, the City shall make the same, and keep an accurate account of the cost of the labor and materials used in making the repairs in front of each lot or parcel of land, and shall report monthly to the Council the cost of such repairs, and a description of the lot or parts thereof or parcel of land fronting on the sidewalk upon which such repairs were made. The Council shall, by ordinance, assess upon each of the lots or parts thereof or parcels of land fronting upon sidewalks which have been so repaired or laid the cost of making such repairs or laying the same, including legal, administrative and engineering costs attributable thereof. In each case all such assessments may be combined in one assessment roll and the same shall be entered in the docket of City liens and collected in the same manner as is provided by ordinance for the collection of assessments for local improvements. (Ord. 597, 3-13-78)

8-2-4: COMMERCIAL ACTIVITY ON STREETS:

8-2-4-1: PERMIT PROVISIONS:

- A. Required: It shall be unlawful for any person to conduct or permit to be conducted or cause to be conducted any business or commercial activity on a public street, highway or right-of-way within the City without a permit being obtained as provided in this Section.
- B. Application: Permits may be granted upon payment of the application fee set by the City Council and upon written application to the City Council for a specified period of time. Such permit may be canceled at any time by the City Council upon satisfactory proof that the conditions of the permit have been violated or when in the judgment of the City Council, the public interest requires cancellation.

- C. Criteria: In granting a permit the City Council shall consider the following criteria:
1. The applicant's willingness and ability to assume all risk for the proposed activities.
 2. Consent of the property owners and occupants of the affected adjacent property.
 3. The degree of interference with pedestrian and vehicular traffic and utilities use of the right-of-way.
 4. Compliance with land use designations on adjoining property.
 5. Compliance with all applicable state and local laws.
 6. Compatibility of proposed use with the purposes for which the right-of-way was dedicated.
- D. Sidewalk Cafes: The City Manager may issue a permit for a sidewalk cafe allowing the service of food or beverages including alcoholic beverages with a public right-of-way provided the following conditions are met:
1. The applicant pays the application fee established by resolution of the City Council. This fee may be waived at the discretion of the City Manager.
 2. The applicant assumes all risks associated with the use of the right-of-way.
 3. The applicant obtains liability insurance in a form and amount determined by the City Manager.
 4. The applicant submits an application containing all the information required by the City Manager.
 5. The applicant lawfully operates a restaurant adjacent to the right-of-way for which the applicant seeks a permit.
 6. The owner of the restaurant property consents to the issuance of the permit.
 7. The applicant demonstrates the use of the right-of-way will not interfere with existing utilities, pedestrian use of the right-of-way nor pose a hazard to vehicular traffic. The applicant must demonstrate that, at a minimum, there will be a pedestrian passage through the right-of-way of at least five feet in width and that the use of the right-of-way will be in compliance with vision clearance provisions of this Code.
 8. The applicant shall obtain and maintain compliance with all other necessary federal, state and local permits and licenses.
 9. If the applicant seeks to use the right-of-way in front of properties contiguous to the restaurant, the applicant demonstrates that a restaurant is a permitted use for the contiguous property and the owner of the contiguous property consents to the issuance of the permit.
 10. The applicant demonstrates that the use of the right-of-way will comply with all ordinances and codes of the City.

11. The applicant demonstrates that seating in the right- of-way will be provided for no more than 20 persons or, if seating is provided for a greater number, that off-street parking as required by Chapter 10-3 of this Code is provided in a ratio of no less than one parking space for each four seats over and above 20.
12. The applicant demonstrates the proposed use of the right-of-way is not inconsistent with the use for which the right-of-way was dedicated to the City.
13. The applicant agrees that any construction in the right-of-way in conjunction with the issuance of the permit shall be in compliance with this Code and the applicable building codes which shall be approved by the Public works Director and the City Manager, and shall be removed upon demand of the City Manager. (Amended 8-2-4-1-D: 1,8 and 13 by Ord 12, 2009)

E. Sidewalk Cafe - Termination, Transfer and Revocation of Permit:

1. A permit issued under subsection 8-2-4-1D of this Section shall automatically terminate on December 31st of the year of issuance and shall not be transferable. These permits must be renewed on January 1 of each calendar year after issuance.
2. A permit issued under Section 8-2-4-1D of this Section may be revoked by the City Manager after written notice and hearing before the City Manager in the following circumstances:
 - a. If the operator of the sidewalk cafe violates this Code or state or federal law or regulations.
 - b. If the conditions specified in this Section are no longer being met; or
 - c. If the operator of the outdoor cafe presents a danger to person or property.

F. Temporary Suspension: A permit issued under this Section may be temporarily suspended by the City Manager if the public interest requires use of the right-of-way for a public event, construction, repair or any other purpose. (Ord. 719, 6-12-84)

8-2-4-2: OBSTRUCTION OF RIGHT-OF-WAY: Except as provided by this Section or any other provisions of this Code, no person shall place, park, deposit or leave upon any street, alley, curb, sidewalk or other public right-of-way (whether developed or not), any article, thing or material which in any way prevents, interrupts or obstructs the free passage of pedestrians or vehicular traffic or obstructs a driver's view of traffic-control signs and signals. (Ord. 719, 6-12-84) No person other than the city may erect a fence or structure within a public right-of-way. Violation of this section may also be considered a public nuisance and is subject to the abatement provisions found in FCC 6-1-7-5. (Ord. 8, Series 2009)

8-2-4-3: DELIVERY VEHICLES EXEMPT: This Section specifically exempts vehicles whose purpose is delivering or picking up merchandise, materials or passengers at regular business or commercial establishments as long as said vehicles do not violate safety, traffic or other ordinances of the City or infringe upon the rights of private property owners. (Ord. 611, 4-9-79; Ord. 719, 6-12-84)

8-2-5: PUBLIC'S RIGHT TO USE CERTAIN OLD ROAD RIGHT-OF-WAY:

8-2-5-1: DEFINITIONS: As used in this section the following words and phrases shall have the meanings ascribed to them by this subsection:

1864 STATE LAW	The Oregon statute which provided: "If any part of any road in this state shall not be opened for four years after, or from the time of its location, the same shall become vacated." (Oregon Laws 1860, page 33, Paragraph 37 as amended in 1864 by Deady, General Laws of Oregon 1845-1864, p. 868, Chapter 47, Title I,
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Paragraph 37, Act of October 22, 1864) which was repealed by Oregon Laws 1903, p. 262 paragraph 79.

IMPROVEMENT

Any work or project within the public right-of-way by a local government or by any entity holding a franchise, license or permit to use all or part of the public right-of-way.

OLD ROAD

Any street established and platted by local government during the year 1860 through 1899, which has not been opened by local government.
(Ord 11, Series 1997 effective 10-22-97)

8-2-5-2:TIMELY CLAIM: Any person claiming that the right-of-way abutting their property is an Old Road that was vacated by operation of the 1864 State Law shall assert that claim as provided in this section no later than fifteen days after receiving written, actual notice, or no later than fifteen days after such person should have reasonably become aware that an improvement is proposed to be or is to be constructed within the public right-of-way abutting their property. A failure of the property owner or the owner's predecessors in title to make a claim in a timely fashion after receiving notice shall bar further assertion of the claim as it relates to the property owned.

- A. If no public right-of-way improvement has been proposed, a person claiming that the right-of-way abutting their property is an Old Road that was vacated by operation of the 1864 State Law may nevertheless assert that claim as provided in this section if such person wishes the City to consider the claim and make its determination as provided in this section in conjunction with owner's development of his or her property.
- B. If no public right-of-way improvement has been proposed, Council may, on its own initiative, indicate that it wishes to make a determination about an Old Road.

8-2-5-3:CONTENT OF CLAIM: The claim shall be in writing, submitted on a City approved form, accompanied by all evidence the claimant wishes the Council to consider and shall be filed with the City Recorder together with the applicable fee, within the time specified. The claim fee is non-refundable and shall be set and modified from time to time by the City Council to cover estimated administrative costs and the costs of publication and notice.

8-2-5-4:COUNCIL HEARING AND DECISION: Subsequent to receipt of a complete claim or subsequent to the Council indicating its interest in making an Old Road determination, the matter shall be set for public hearing. The City Recorder shall cause notice of the public hearing to be given by one publication not less than twenty (20) days prior to the public hearing in a newspaper of general circulation within the City, by posting at each end of the Old Road and by mailing copies of the notice by registered or certified mail, return receipt requested, to owners of property abutting the Old Road at issue. Copies of the notice shall also be sent via first-class, pre-paid postage, mail to owners of other affected property. The notice shall include a description of the Old Road, the identity of the claimant, if any, and the date, time and place of the public hearing before the Council. The claimant shall have the burden of proof. After providing the claimant and other interested persons an opportunity to address the Council, the Council shall consider the claim, if any, and all evidence submitted in making its determination. The Council may determine that the Old Road was vacated because of the 1864 State Law. In rendering its decision the Council may determine that even if the right-of-way was vacated because of the 1864 State Law, the public has reestablished its right to the use of the right-of-way by other lawful means.

8-2-5-5:COUNCIL ACTION: In conjunction with its determination, the Council may direct the claimant's interest in the Old Road be acquired by the City or that the City take whatever other judicial or administrative action is in the public interest. If the Council determines the claim is supported by substantial evidence on the whole record, it may declare the Old Road vacated and may delay, modify or abandon any improvement project. If the Council determines the claim is not supported by substantial evidence on the whole record, it may proceed with any proposed improvement. The decision of the Council shall be by resolution and shall be

final. A copy of the decision shall be mailed to the claimant, if any, the abutting and affected property owners and any other person testifying before the Council at the public hearing.

Amended by Ordinance 14, 1996 (10-21-96)
Amended by Ordinance 11, 1997 (10-22-97)
Amended by Ordinance 1, 2000 (2-7-20)
Amended by Ordinance 1, 2007 (2-7-07)
Section 8-2-4-2 Amended by Ordinance 8, 2009 (5-18-09)