

## ORDINANCE NO. 340

*Amended by  
561*

AN ORDINANCE REQUIRING A PERMIT FOR ALTERATION TO PUBLIC STREETS AND SIDEWALKS; ESTABLISHING FEES THEREFOR; PROVIDING STANDARDS FOR ISSUANCE OF PERMITS; DESCRIBING THE DUTIES OF OFFICERS; REPEALING PRIOR ORDINANCES; AND PROVIDING PENALTIES.

The city of Willamina, Oregon, ordains as follows:

Section 1. Definitions. As used in this ordinance, the singular includes the plural, and the masculine the feminine. Except where the context indicates otherwise, the following terms shall mean:

- (1) City. The city of Willamina, Oregon.
- (2) Council. The common council of the city.
- (3) Person. Every natural person, firm, partnership, association, or corporation.
- (4) City engineer. The city engineer of the city or his authorized deputy.
- (5) Street. Area between the boundaries of a public right-of-way.

Section 2. Permit Required. No person shall begin to construct, reconstruct, repair, or alter any sidewalk, curb and gutter, curb cut, or driveway on the public streets without first applying for and obtaining a permit from the city recorder as provided by this ordinance.

Section 3. Application. An applicant for a permit shall file with the city recorder an application on a form prescribed by the city showing:

- (1) Name and address of the owner or person in charge of the property abutting the proposed work area.
- (2) Name and address of the person doing the work.
- (3) Location of the property upon which or adjacent to which said construction is intended.
- (4) Attached plans showing details of the proposed alteration.
- (5) Such other information as the city engineer shall find reasonably necessary to the determination of whether a permit should be issued.

Section 4. Fees. A permit fee of \$1.00 shall accompany an application and shall be paid for a permit for a sidewalk, curb and gutter, curb cut, or driveway.

Section 5. Standards for Issuance of Permit. The city recorder shall issue a permit hereunder when he finds:

(1) That the plans for the proposed project accompanying the application have been approved by the city engineer, to whom they shall be forwarded by the city recorder within a reasonable time after receipt thereof.

(2) That the work shall be done according to the standard specifications of the city for work of like character.

Section 6. Supervision of the City Engineer. All projects for which a permit is granted shall be under the direction and supervision of the city engineer. After any permit is issued, the permittee shall request the city engineer to establish the line and grade of the proposed project. Thereafter, the engineer shall furnish to the permittee additional engineering supervision as necessary and shall inspect the construction and materials used to insure compliance with the provisions of this ordinance.

Section 7. Barriers Placed at Street Alterations.

(1) Whenever construction or repair work is commenced on any part of a city street, the contractor or person directly in charge of the work, with the consent of the city engineer, may close such street or part of a street to vehicular or pedestrian traffic when the street, by reason of such work, is made dangerous for travel or whenever such closing is necessary to properly carry out the work, and such street or part of street will remain closed during the progress of such work.

(2) When a street or part of a street is so closed, the contractor or person directly in charge of the work shall construct and maintain at either end of the work area and at such other places as the city engineer shall direct, proper and suitable barriers, warning lights, and signs notifying the public of the work and that such street or part of a street is closed to traffic.

(3) When a street is closed as provided in this section, it shall be unlawful for any person to break down, alter, or remove, or ride or drive over any barrier erected, as herein required, or to travel over such closed street or part of a street.

(4) Immediately upon completion of any construction or other work done in a street, the contractor or person directly in charge of the work shall clear away materials, litter and rubbish, and upon failure to do so, the city engineer may cause such cleanup work to be done, and the costs thereof shall be recovered from and paid by the contractor or other person in charge of the project.

Section 8. Failure to Comply by Permittee. In any case where a permittee shall be in default or shall fail to comply with the requirements of this ordinance, the city engineer shall order the completion or correction of the work by the city and the cost thereof shall be recovered from the permittee.

Section 9. Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than \$200.00, ~~or by imprisonment of not more than 40 days, or both.~~ Each day's violation shall be considered a separate offense. *Amended by 561*

#### Standard Specifications for Alteration to Public Streets and Sidewalks

Section 10. General. Any construction, reconstruction, repair, or alteration of any improvement in the public streets and sidewalks shall be made in accordance with the provisions of this ordinance and with standard specifications of the city adopted by the council and filed in the office of the city recorder.

#### Curbs and Gutters

Section 11. Construction Standards. All curbs and gutters shall conform to the official street grades, and shall be uniform as to material and dimensions. The distance from property lines along which curbs and gutters are constructed shall be uniform except that curbs and gutters shall be constructed to the established or official width of the roadway.

Section 12. Curb Radius. Unless permitted otherwise by the council, all curb corners shall have a uniform radius of 10 feet except curb corners at alleys which shall have a uniform radius of five feet. If physical conditions make it impractical or if unusual traffic conditions make it desirable, the council may provide a curb corner radius other than as herein required.

Section 13. Duty of Property Owners to Fill. It shall be the duty of abutting property owners to fill in with earth the space between the curb and sidewalk to a level grade with the curb and sidewalk.

### Curb Cuts

Section 14. Necessity for Curb Cut. Curb cuts shall be limited to those necessary to provide ingress and egress to property, and the length of the cut shall be determined according to the frontage of the property in accordance with the standards applicable to driveway approaches.

Section 15. Condition of Permit. The permittee shall restore the curbing at the cut to proper and smooth finish.

### Driveways

Section 16. Definitions. Unless otherwise expressly stated, or the context clearly indicates a different intention, as used in this ordinance, the following shall mean:

(1) Frontage. That boundary of private property abutting the city street line.

(2) Driveway approach. That portion of a driveway within the street right-of-way. The component parts of the driveway approach are the apron, the end slopes or the curb return, and the sidewalk section.

### Section 17. Prohibited Locations.

(1) No driveway approach shall be permitted to encompass any municipal facility. Under the permit provided for herein, the applicant may be authorized to relocate any municipal facility, including any within the limits of a curb return, which may be encroached upon.

(2) At intersections, no portions of a driveway approach including end slopes shall be permitted within four feet of the crosswalk at the curb line.

Section 18. Driveway Approach Dimensions. The length of driveway approaches along the curb line shall not exceed the following dimensions:

<u>Frontage</u>	<u>Maximum Length</u>	
	<u>One Driveway Approach</u>	<u>Two Driveway Approaches</u>
Under 30 feet	16 feet	Not permitted
30 to 60 feet	20 feet	Not permitted
60 to 80 feet	30 feet	22 feet
Over 80 feet but not exceeding 100 feet	30 feet	30 feet



Section 19. Safety Islands. A safety island of not less than 10 feet of full height curb shall be provided between driveway approaches under one ownership or, where physically possible, under separate ownership. On any frontage in excess of 100 feet, each 100 feet or fraction of frontage shall be considered under separate ownership for the purpose of this section.

Section 20. Council Approval; Special Permit. Any driveway approach in excess of the above maximum lengths must receive the approval of the council.

Section 21. Limits. In no event shall the driveway approach extend beyond the property line extended or rights of the owner requesting the curb cut. A driveway permit shall not be issued unless there is space entirely within the private property lines for vehicle parking.

Section 22. Driveway Specifications.

(1) All driveway approaches between the curb line and the property line shall be constructed of Portland cement concrete. The driveway approach including the sidewalk section, shall be constructed according to the standard specifications and plans of the city.

(2) Driveway approaches located within five feet of the existing curb return at an alley intersection may be merged with the alley intersection pavement. The length of driveway approach plus the alley width, measured at the curb line, shall not exceed 40 feet.

(3) Where standard gutters and curbs have not been installed, the length of driveway approach set forth in this ordinance shall be measured along the property line and there shall be not less than 16 feet of frontage between driveway approaches serving any one property.

(4) Permits shall not be issued for any surface improvement or paving on the street right-of-way between driveway approaches unless a concrete curb or other physical obstruction designed to standard city specifications is constructed and maintained by the applicant so that the entrance and exit of vehicles to and from the applicant's property will be restricted to the established driveway approaches.

(5) Pursuant to the permit provided for herein, the applicant may surface the driveway approaches or other areas within the right-of-way, extending the same type paving used on his premises so that it merges with the street pavement, provided that the applicant's paving is adequate and suitable for the traffic to be carried. Paving between the property line and the street pavement shall be to the established grade or other slope fixed by the city engineer to provide for proper runoff. Such paving

may meet the street pavement at a point ahead of the curb opening in order to provide for safe deceleration of vehicles turning into the applicant's premises. If the applicant's paving is extended beyond the property line into a street right-of-way at an intersection, the applicant shall construct a suitable traffic island or curb if the protection of municipal facilities is necessary.

Section 23. Restoration of Curb. When a driveway approach is no longer in use, the city engineer by order of the council shall notify the owner of the abutting property to restore the curb and sidewalk to conform to the adjacent curb and sidewalk. If the owner shall neglect to do so for a period of six months, then the city engineer shall proceed to restore the curb and the cost of the same shall be a lien upon the property until paid, and shall be assessed and entered in the lien docket of the city and shall be foreclosed in the same manner as other city street improvement liens.

#### Sidewalks

Section 24. Concrete Sidewalks Required. Sidewalks shall be constructed of Portland cement concrete.

Section 25. Storage of Materials in Street. There may be included in a sidewalk permit permission to use the abutting street for the purpose of storing material to be used in the sidewalk project, but no more than one-fourth of the street shall be used for such purpose.

#### Section 26. Width of Sidewalks.

(1) Sidewalks constructed in commercial and business districts shall extend from the property line to the curb line.

(2) In the residence districts, sidewalks shall have a width of five feet and be laid within one foot of the property line.

(3) All other sidewalks shall have a width of five feet and be laid within one foot of the property line, except that in nonresidence districts the walk may extend to the curb line.

Section 27. Grade and Fall. All sidewalks shall be laid on the official grade and line established by the city engineer, unless specifically ordered otherwise by the council. All sidewalks shall be laid with a fall toward the curb of one-quarter of an inch to the foot and if built to the curb, shall meet the curb flush with the top thereof, if possible and practicable.

Section 28. Repealing Prior Ordinances. Ordinance No. 200, passed by the council and approved by the mayor on December 2, 1946, as amended by Ordinance No. 262, passed by the council and approved by the mayor on September 27, 1955, is hereby repealed.

Passed by the council and approved by the mayor April 10, 1969.