

CHAPTER 3

PUBLIC IMPROVEMENTS

SIDEWALKS (Ord. 1973-1007; 1974-1043; 1976-23)

3.105 Sidewalk Construction Required.

(1) The owner of any property not having sidewalks shall agree to install and pay for sidewalks to be constructed in accordance with the specifications contained in Section 3.110 as a condition to the issuance of a building permit with a permit valuation of more than \$3,000, except as provided in subsection (2). The structure for which the permit is issued shall not be occupied until the sidewalks have been constructed.

(2) The construction of sidewalks required in subsection (1) may be deferred upon execution by the property owner of a binding agreement in favor of the City requiring future sidewalk construction by, and at the expense of, the property owner and the owner's successors in interest. The agreement shall be in a form satisfactory to the City Manager or the manager's designee. This subsection is applicable only when one or more of the following conditions is found to exist by the City Engineer:

(a) Construction of sidewalks is not feasible due to limiting physical conditions.

(b) All property within 300 feet on each side of the side lot lines of the property for which the building permit is issued is fully developed and none of the fully developed properties have sidewalks.

(c) The property is located on 24th Avenue between Quince and Yew Streets or Yew Street north of the Burlington Northern Railroad tracks (Forest Grove Industrial Park).

3.110 Specifications.

All sidewalks shall be constructed, reconstructed, repaired or maintained in accordance with reasonable specifications established by the City Engineer and approved by the City Manager. The specifications shall be kept on file in the office of the City Engineer, and copies shall be available for inspection by contractors and property owners desiring to construct sidewalks. The City Engineer, with the approval of the City Manager, is authorized to establish standards with regard to sidewalk grades, locations and widths, materials, and construction. Any contractor or property owner aggrieved by these standards may appeal to the Council by filing a written protest with the City Recorder.

3.115

FOREST GROVE CODE

3.135

3.115

Duty to Repair and Clear Sidewalks.

It is the duty of an owner of land adjoining a street to maintain in good repair, and remove obstructions from, the adjacent sidewalk.

3.120

Liability for Sidewalk Injuries.

(1) The owner of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of the negligence of the owner in failing to maintain the sidewalk in good condition.

(2) If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty section 3.115 imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

3.125

Repair of Sidewalks by Adjacent Property Owners.

Whenever the City Manager or designee determines that a sidewalk is defective, notice of the nature of the defect and the location of the defective sidewalk shall be given to the adjacent property owner, together with a demand that the defect be repaired at the expense of the owner within 30 days of the date of the notice.

3.130

Delivery of Notice.

The notice referred to in Section 3.125 shall be either delivered personally to the adjacent property owner or mailed by first class mail, postage prepaid, to the address of the owner of the adjacent property, as indicated on the last assessment roll, according to the records of the Department of Revenue and Taxation of Washington County.

3.135

Repair Period; Extension of Time.

The owner of the property adjacent to the defective sidewalk shall cause the necessary repairs to be made in accordance with the standards and specifications of the City for sidewalk construction within 30 days from the date of personal service or the date of mailing of the notice to repair. The time within which the repairs are to be made may be extended by the City Manager or designee, for good cause shown, but the extension shall not exceed 30 days. Applications for time extensions shall be submitted in writing.

3.140**Costs of Repairs.**

All costs of repair of defective sidewalks shall be paid by the adjacent property owner.

3.145**Repair by City.**

If the required repairs to the sidewalk have not been completed within the time allowed, the City may make the necessary repairs and charge the cost, including reasonable engineering and inspection costs, to the adjacent property owner. The repair may be made either by the City or by a private contractor chosen by the City.

3.150**Notice of Repair Assessment.**

After costs of repairs made by the City have been calculated, the property owner shall be notified in the manner provided by Section 3.130.

3.155**Unpaid Costs as Lien.**

If the adjacent property owner fails to pay the costs of repair of the defective sidewalk within 30 days of the date of the notice declaring the cost of the repair, the cost shall be entered by the City Recorder in the docket of City liens and shall be collectible in the same manner as liens for public improvements.