

ORDINANCE NO. 4687

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 14.16, SIDEWALK REPAIRS AND DECLARING AN EMERGENCY

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

Section 1: Albany Municipal Code Chapter 14.16, sidewalk repairs is hereby amended as follows:

14.16.010 Owner duty--Council power. It is hereby made the duty of all owners of land adjoining any street in the city to maintain in good repair the sidewalks in front of the land. The council shall have the power and authority to determine the grade and width of all sidewalks, the material to be used, and the specifications for the repair thereof, upon any street or part thereof, or within any district in the city.

14.16.020 Notice of defective sidewalks. (1) If the owner of any lot or part thereof or parcel of land allows any sidewalk along the same to become out of repair, it shall be the duty of the City Engineer, his deputy or any persons appointed by the Council for that purpose, to give notice to the owner of the property adjacent to the defective sidewalk to repair it. The notice shall direct the owner, agent or occupant of the property to immediately repair the same in a good and substantial manner to comply with specifications for Albany's sidewalks.

(2) The notice to repair defective sidewalks shall be mailed by registered or certified mail, postage prepaid, to the record owner or owners of said property, or their agent at the address designated on the Linn County real property tax assessment rolls. The notice to repair defective sidewalks shall contain:

(a) A description of the real property, by street address or otherwise, adjacent to the defective sidewalk.

(b) A direction to repair the defective sidewalk within sixty (60) calendar days from date of receipt of notice.

(c) A description of the work to be done.

(d) A statement that unless the deficiency is corrected within the time specified, the City may correct the deficiency, and the cost of the work shall be assessed against the real property adjacent to the repaired sidewalk.

(3) Upon completion of the mailing of notice to repair defective sidewalks, the persons doing said mailing shall execute and file a certificate with the City Recorder, stating the address and date of mailing said notice.

(4) An error in the name or address of the property owner/owners/agent shall not make the notice void, and in such case the notice shall still be sufficient.

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, it shall be the duty of the city engineer, his deputy, or any persons appointed by the council for that purpose, when ordered to do so by the council, to post notice on the adjacent property headed "Notice to Repair Sidewalk", and the notice shall direct the owner, agent or occupant of the property immediately to repair the same in a good and substantial manner, and the person posting the notice shall file with the city recorder an affidavit of the posting of such notice, stating the date when, and the place where the same was posted. The city recorder shall, upon

receiving the affidavit of the person posting the notice, send by mail, postpaid, a notice to repair said sidewalk to the owner, if known, and directed to post office address of such owner or agent, when such post office address is known to the city recorder, and if such post office address is unknown to the city recorder, the notice shall be directed to such owner or agent at the city of Albany, Oregon. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of such property, shall not render void the notice, but in such case, the posted notice shall be sufficient

14.16.030 Permit for repairs. The owner, agent or occupant, before making the repairs, shall obtain from the city engineer a permit to do so, which shall prescribe the kind of repair to be made, the material to be used and specifications therefor. and the owner, agent or occupant shall make the repairs within twenty days from the date of posting the notice

14.16.040 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, the city engineer 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 the repairs, and a description of the lot or part thereof or parcel of land fronting on the sidewalk upon which such repairs are made.

14.16.050 Assessment for repairs by city. The council shall, at least once each year, 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 the repairs or laying the same including legal, administrative and engineer costs attributable thereto. 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.

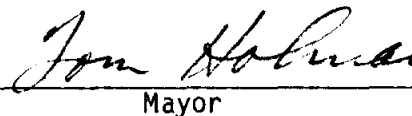
14.16.060 Liability of owners. The owner or owners of land adjoining any street in the city shall be liable to any person suffering injury by reason of any defect in the sidewalks in front of the land.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: May 22, 1985

Approved by the Mayor: May 24, 1985

Effective Date: May 22, 1985

  
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Mayor

ATTEST:

  
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City Recorder

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