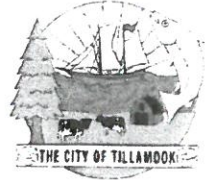


City of Tillamook  
210 Laurel Ave.  
Tillamook, OR 97141



# Memo

**To:** Paul Wyntergreen, Mayor and Council  
**From:** Arley Sullivan, Director *AS*  
**Date:** 18 April 2011  
**Re:** Sidewalk Improvement Plan

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The following is an update of the City of Tillamook Sidewalk Improvement Plan. Resolution No. 1469, A resolution adopting a sidewalk improvement plan for the City of Tillamook was approved by the City Council on November 6, 2006. This plan works in concert with the current, and from time to time amended, Ordinance No. 1205, AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND CLEANING OF SIDEWALKS AND CURBS, DECLARING RESPONSIBILITY AND LIABILITY FOR MAINTENANCE OF SIDEWALKS, PROVIDING A PENALTY, AND REPEALING ORDINANCE NO. 688.

The plan is broken in to three phases:

Phase One - is to have two areas for completion.

- A) Parking District and
- B) Remaining properties within the Central Commercial (C-C) district zone.

Phase Two – is to work one or more land use zones at a time which are adjacent to the C-C zone.

Phase Three – Develop ADA compliant corridors through the remaining streets in the community.

In Phase One, seventy properties were brought into compliance, many of which requested numerous extensions that were granted by the city manager. During this period the wastewater treatment project started getting underway and interfered with further activity on the Sidewalk Plan. Another issue that interfered with the process was the severe slowing of the economy. So the question surfaced, was it practical or prudent to put local businesses and property owners under increased financial pressure in such a poor economy? So, the fact that the Sidewalk Plan was stalled was a combination of these two issues. It was more happenstance than a decision to stall the Plan.

**Recommendation:** Schedule a work session to consider next steps in the process.

See Exhibit A, attached.

# **CITY OF TILLAMOOK SIDEWALK IMPROVEMENT PLAN**



**PUBLIC WORKS  
AND  
PLANNING DEPARTMENTS**

**210 Laurel Avenue  
Tillamook, Oregon 97141  
503-842-2472**

### **Sidewalks Make Good Neighborhoods**

Sidewalks have a way of tying a neighborhood together. Realtors will attest that where sidewalks are good, the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes - recreation space for joggers, children with tricycles and pull toys; an informal meeting place for neighbors; and an encouragement for people to make more use of the most basic form of transportation; walking.

Be proud of your sidewalks. Take care of them and enjoy them.

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## SIDEWALK IMPROVEMENT PLAN

### PURPOSE

The City of Tillamook has recognized the need to provide a fair and reasonable approach to ensure compliance with the City Sidewalk ordinances. In the past, compliance with the ordinance was driven by complaint. Through the use of a comprehensive sidewalk inventory to identify hazards, this plan relies on analysis. Through compliance, the plan will:

- Protect the community from injury by ensuring pedestrian safety through the repair of hazards;
- Assist property owners in identifying and removing hazards in the most economical way;
- Protect property owners from the expense of liability claims due to personal injury;
- Develop ADA compliant corridors for ease of movement through out the community.

### AUTHORITY

Ordinance # **1205, *or as amended***, as adopted by the City Council, outlines owner responsibility and liability pertaining to sidewalks adjacent to their property and are included in the Appendix.

### SIDEWALK INVENTORY

Initiated as a response to the need for consistent enforcement, the intent of the sidewalk inventory is not only to identify hazards, but additionally to eliminate the feeling from a property owner of being singled out. In the past, enforcement began when a complaint was filed on a hazard existing on the sidewalk abutting a property. Through the comprehensive sidewalk plan and inventory, all sidewalk issues including hazards will be identified and will be addressed.

The inventory encompasses all properties within the City Limits and shall be conducted by the City Staff. Duties of City Staff shall include: walking every sidewalk and categorizing their status through the use of strict protocols listed below. These protocols were developed through a collaborative effort between the Planning Department, the Public Works Department, and the Police Department. Following are short explanations of protocol terms:

No Sidewalks: some or all property is void of sidewalk.

Trip Hazard: vertical misalignment between sidewalk panels or sidewalk and curb greater than  $\frac{3}{4}$  of an inch.

Damaged Surface: surface of sidewalk contains structural defects negatively affecting pedestrian use.

ADA: Americans with Disabilities Act; outlines accessibility issues and standards.

Non-compliant corners and alleys: do not conform to ADA standards, and do not allow access.

Non-standard corners and alleys: do not conform to ADA standards, but do allow access.

Vegetation Growing on Walk: vegetation, whether growing on or overhanging the sidewalk, that negatively affects pedestrian use.

## PLAN PHASES

After compiling the data, analyzing the maps displaying the sidewalk hazards, and discussions with City staff, it is apparent that attempting to bring all properties into compliance at one time is recommended as follows:

**PHASE ONE – BRING ENTIRE CENTRAL - COMMERCIAL (C-C) ZONE INTO COMPLIANCE INCLUDING ADA ISSUES. THIS PHASE WILL HAVE TWO AREAS FOR COMPLETION TAKING PLACE IN THE FOLLOWING ORDER:**

- A) PARKING DISTRICT AREA COMPLIANCE, AND**
- B) REMAINING PROPERTIES WITHIN THE C-C ZONE DISTRICT COMPLIANCE.**

**PHASE TWO – WORK IN ONE OR MORE LAND USE ZONES AT A TIME WHICH ARE ADJACENT TO THE C-C ZONE DISTRICT, BASED ON ANALYSIS IDENTIFYING CRITICAL AREAS.**

**PHASE THREE – DEVELOP ADA COMPLIANT CORRIDORS THROUGH THE REMAINING STREETS IN THE COMMUNITY UNTIL ENTIRE CITY IS IN COMPLIANCE**

**City Staff shall determine the boundaries and locations of each Plan phase.**

**PRIORITIZATION IN EACH PHASE FOR SIDEWALK IMPROVEMENTS NEEDED. In each phase the following order shall be established to deal with sidewalk construction compliance issues according to the protocol terms:**

**1) Trip Hazards.**



2) Damaged Surfaces, ADA compliance, Non-compliant corners and alleys, Non-standard corners and alleys.

3) Vegetation Growing on Walks.

#### PLAN MANAGEMENT

The Management of the Plan will require a significant amount of time for distributing letters, issuing permits, performing inspections, ensuring compliance and negotiating compromises for problem areas. The time frame estimated for citywide compliance varies with the appointment of the above activities. The responsibilities to manage these activities shall be handled by the Planning Department, the Public Works Department, the Police Department, and the City Manager, and delegated as follows:

Police Department (Code Enforcement Officer): notifications/distributing letters regarding sidewalk noncompliance, and issuing citations/warnings regarding noncompliance, data management, record keeping of citations/warnings.

Planning Department: issue Public Works Permits for sidewalk construction for compliance, data management, record keeping of public works Permits.

Public Works Department: performing inspections, overseeing all sidewalk related construction, ensuring compliance and negotiating compromises for problem areas.

City Manager: define and allocate funds necessary to preserve and maintain the Sidewalk Improvement Plan

The following recommendations should be considered for efficiently implementing the plan:

#### RECOMMENDATIONS FOR PLAN MANAGEMENT

- Initiate a new Sidewalk Construction Permit Fee to be reviewed annually
- Use current staffing levels to implement all phases (1 – 3)
- Estimated time of citywide compliance: 4-10 years

#### NOTIFICATION

A "Notice to Repair" letter is generated by the Police Department and sent to the registered owner(s) of a property with an existing hazard stating the nature of the hazard. Staff members from the Police Department are available to schedule appointments and meet with property owners to identify and explain the specific reasons for the "Notice to Repair". Ordinance # 1205, or as amended, describes the notification procedures further.

#### WHO CAN PERFORM REPAIRS?

Upon securing a permit from the Planning Department, the following parties may eliminate hazards:

- Property Owner

- Licensed contractor hired by the property owner
- Licensed contractor under legal contract with the City of Tillamook

### REPAIR STANDARDS

Hazard repair will conform to the City of Tillamook Standard Specifications, which can be found in City of Tillamook Street Design Standards (see Appendix).

### TYPES OF REPAIRS

The following types of repairs are acceptable:

- Grinding of trip hazards less than 1 ½ inches in height to appropriate slope
- Removing and replacing whole panels to full depth
- Removing and replacing partial panels to full depth and width with inspector approval (Skin patching is not an acceptable repair method)
- Consulting the inspector to determine a solution to hazards caused by tree roots to avoid causing harm to the tree

### PERMITS

Permits ***shall be*** required to be filed before hazard repair is initiated. Application forms for permits are available in the Planning Department. The permit will be issued for the party making the repair. Ordinance #1205, or as amended, states that Sidewalks and curbs shall be constructed, altered, and repaired in accordance with standards and specifications determined by the **City of Tillamook Street Design Standards** and adopted by the Council by resolution or otherwise (see Appendix).

### INSPECTIONS

Form inspections are required and must be approved before any new concrete is poured. Post compliance inspections are also required for new concrete and grinding repairs. To schedule an inspection contact the City department listed in the "Notice to Repair" letter. The engineer shall make such inspections as in his/her judgement may be required to determine that the construction of any improvement for which a permit has been issued is proceeding in accordance with the standard City specifications.

### COMPLIANCE TIME FRAME

Property owners or licensed contractors must abide by the timeframe listed in Ordinance #1205, or as amended.

### APPEALS

All disagreements and appeals, shall abide by Ordinance #1205, or as amended.

### TIME EXTENSIONS

Requests for time extensions will be granted according to Ordinance #1205, or as amended.

### FINANCIAL ASSISTANCE

The goal of the Sidewalk Improvement Plan is to provide pedestrian safety through repair of hazards in the most economical way. To help alleviate some of the immediate



economic burden to the property owner, the City of Tillamook may as funds allow provide moderate interest loans or other assistance to property owners as available.

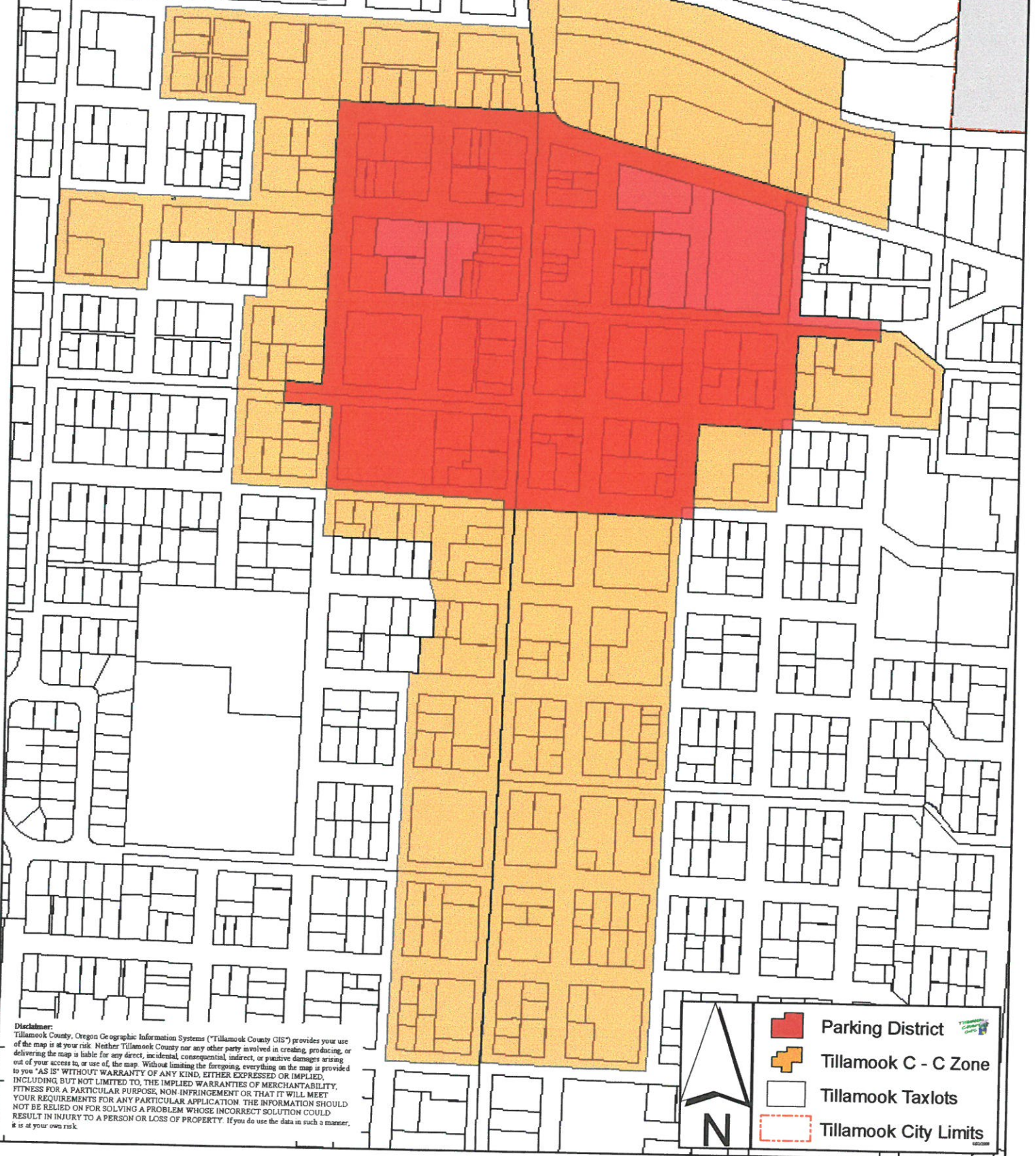
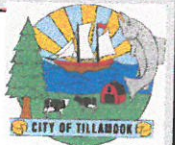
#### FUTURE COMPLIANCE

Upon completion of citywide compliance with the sidewalk ordinances, it is recommended to revise the issue of hazards every five years. On going issues will need to be addressed through routine code compliance efforts, but a new sidewalk inventory should be conducted every five years to eliminate the return to a complaint-based system of compliance. Thus ensuring quality neighborhoods and pedestrian safety for the citizens of the City of Tillamook.

**APPENDIX A**





**Phase One Map**

# City of Tillamook Sidewalk Plan Phase One



**Disclaimer:**  
Tillamook County, Oregon Geographic Information Systems ("Tillamook County GIS") provides your use of the map at your risk. Neither Tillamook County nor any other party involved in creating, producing, or delivering the map is liable for any direct, incidental, consequential, indirect, or punitive damages arising out of your access to, or use of, the map. Without limiting the foregoing, everything on the map is provided to you "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON-INFRINGEMENT OR THAT IT WILL MEET YOUR REQUIREMENTS FOR ANY PARTICULAR APPLICATION. THE INFORMATION SHOULD NOT BE RELIED ON FOR SOLVING A PROBLEM WHOSE INCORRECT SOLUTION COULD RESULT IN INJURY TO A PERSON OR LOSS OF PROPERTY. If you do use the data in such a manner, it is at your own risk.



-  Parking District
-  Tillamook C - C Zone
-  Tillamook Taxlots
-  Tillamook City Limits

## **APPENDIX B**

### **Sidewalk Ordinance Ordinance #1205**



**RESOLUTION NO. 1469**

**A RESOLUTION ADOPTING A SIDEWALK PLAN  
FOR THE CITY OF TILLAMOOK**

**WHEREAS**, the City of Tillamook recognizes the need for an orderly, systematic and equitable approach to the repair and maintenance of sidewalks within the city limits and the Urban Growth Boundary (UGB); and

**WHEREAS**, the City of Tillamook encourages and enforces safe sidewalks and curbs; and

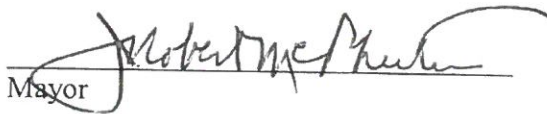
**WHEREAS**, there is a need to promote the health, safety and general welfare of our citizens and visitors by requiring existing sidewalks within the City of Tillamook's jurisdiction to be made safe, maintained as safe, and to conform with the City of Tillamook Public Works Construction Standards – Street Design Standards insofar as the City's resources will allow,

**NOW, THEREFORE**, let it be resolved by the Mayor and Tillamook City Council on this 6<sup>th</sup> day of November, 2006:

Section 1:

That it gives its full support to the Sidewalk Plan as it works in concert with the current and from time to time amended Ordinance No. 1205; AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND CLEANING OF SIDEWALKS AND CURBS, DECLARING RESPONSIBILITY AND LIABILITY FOR MAINTENANCE OF SIDEWALKS; PROVIDING A PENALTY; AND REPEALING ORDINANCE NO. 688.

**APPROVED** by the City of Tillamook Council this 6th day of November, 2006.

  
Mayor

ATTEST:

  
City Recorder

**ORDINANCE NO. 1225**

**AN ORDINANCE AMENDING ORDINANCE #1205 SECTION 8. NOTICE CONTENTS. SUBSECTION (8.1.2) REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND CLEANING OF SIDEWALKS AND CURBS; DECLARING RESPONSIBILITY AND LIABILITY FOR MAINTENANCE OF SIDEWALKS; AND PROVIDING A PENALTY.**

**WHEREAS**, the City of Tillamook regulates the construction, alteration, repair and cleaning of sidewalks and curbs and declares responsibility and liability for maintaining sidewalks, and provides a penalty,

**NOW, THEREFORE**, the City of Tillamook ordains as follows:

**Section 1:**

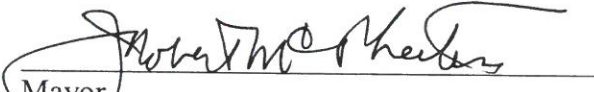
Section 8, Notice of Contents, Subsection 8.1.2, Ordinance #1205 shall be amended to read as follows:

(1) A direction to abate the nuisance within 14 days from the date of receiving the notice.

**PASSED** 1<sup>ST</sup> reading by the Tillamook City Council on this 15th day of October, 2007.

**PASSED** 2<sup>nd</sup> reading by the Tillamook City Council on this 5<sup>th</sup> day of November, 2007.

**ADOPTED** by the Tillamook City Council this 5<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



## **ORDINANCE NO. 1205**

### **AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND CLEANING OF SIDEWALKS AND CURBS; DECLARING RESPONSIBILITY AND LIABILITY FOR MAINTENANCE OF SIDEWALKS; PROVIDING A PENALTY; AND REPEALING ORDINANCE NO. 688.**

The people of the City of Tillamook do ordain as follows:

The purpose of this ordinance is to promote the public's health, safety and general welfare of our citizens and visitors by requiring existing sidewalks within the City of Tillamook's jurisdiction to be made safe, maintained as safe, and to conform with the City of Tillamook Public Works Construction Standards - Street Design Standards in so far as the City's resources will allow. It is comprised of two parts. **Part A** addresses a landowner's duties to maintain and repair existing sidewalks, and when constructing new sidewalks to construct, according to the City of Tillamook Public Works Construction Standards - Street Design Standards. **Part B** addresses additional prospective solutions exist where either the landowners on their own or the City (by its local improvement district ordinance #1157, state law or the City's anticipated Urban Renewal Process) may cause sidewalks/curbs to be constructed or reconstructed and financed in all or part by the benefited property owners and/or other funding sources. **Part C** addresses notice requirements to landowners. **Part D** addresses remedies to gain compliance with this ordinance from landowners at the least cost to Tillamook citizens.

**Section 1. Definitions.** As used in this Ordinance, except where the context otherwise indicates, the following terms are defined as follows:

Abnormally dangerous or hazardous condition means a 2" or greater displacement from grade or misalignment between or within sidewalk panels or any other condition threatening the immediate health, safety or welfare interests of the public, such as any condition which risks personal injury or property damage to any disabled person whether or not wheelchair bound.

City shall mean the City of Tillamook, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise it shall mean that officer, department or agency of the City indicated by the context or where the context does not clearly indicate a specific officer, department or agency, then the City Manager of said City.

Council shall mean the City Council.

Commercial premises shall include all premises which are not private premises.

Construction shall mean construction of sidewalks and curbs upon official grades, fixing dimensions of curbs and establishing curb lines on certain width streets and sidewalk widths.

Dangerous/Hazardous Sidewalk shall mean a sidewalk (1) with a surface that is not constructed to City of Tillamook Public Works Construction Standards - Street Design Standards ("City Standards"), (2) which contains a vertical or horizontal misalignment between or within sidewalk panels, or between a sidewalk and curb, equal to ¾" to 2", (3) which contains structural defects negatively affecting pedestrian use, or (4) which has vegetation, whether growing on or overhanging the sidewalk, that negatively affects pedestrian use.



Days shall mean 24-hour, calendar days.

Engineer shall mean the City Public Works Director or the duly appointed City Engineer or any consulting engineering firm who contracts with the City to provide engineering services.

Person shall mean every natural person, firm, partnership, association or corporation, social or fraternal organization, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

Sidewalk shall mean a pedestrian walkway with permanent surfacing, which shall include curbs and road approaches crossing, adjacent to, or between such walkways.

## **Part A: INDIVIDUAL LANDOWNER DUTIES; ENFORCEMENT.**

**Section 2. Standards and Specifications.** Sidewalks and curbs shall be constructed, altered, repaired and maintained according to City of Tillamook Public Works Construction Standards - Street Design Standards ("City Standards") as adopted and/or amended by the Council by resolution or otherwise.

- 2.1. A sidewalk and/or curb not conforming to City Standards shall be, and is, a public nuisance.
- 2.2. No landowner shall allow a dangerous or hazardous sidewalk or abnormally dangerous or hazardous sidewalk to exist on their property. This provision shall apply to existing exterior commercial premises open to the public, to private premises adjacent to a public way, street, alley, highway or road of any kind.
- 2.3. Any offense described by this ordinance shall be a violation. Each day an offense continues to exist is a separate offense. An offense herein is punishable by a fine of not less than \$25, or more than \$250, per offense and/or per day.

## **Section 3. Permit Requirements, Applications, Fees and Issuance.**

- 3.1. No person shall construct, reconstruct, or repair any sidewalk or curb in or upon any public street or right-of-way without first obtaining a permit from the City and complying with the provisions of the City of Tillamook Street Design Standards and the City's Tree Ordinance.
- 3.2. An application for a permit shall be filed with the City, on a form provided by the City, together with such other information and data as required by the Engineer. An applicant for a permit shall pay a permit fee to the City, which fee shall be set by Council by resolution to recover City's actual costs of review and monitoring.
- 3.3. Upon application and fee payment for an improvement to which this ordinance applies, City shall issue a permit. The permit shall be automatically void six months from the issue date if the improvement is not complete. If the improvement is complete and receives City Engineer final approval, then the permit shall become permanent.

## **Section 4. Owner Responsibility and Liability.**

- 4.1. The owner of real property abutting a sidewalk is liable for any personal injury or property damage which occurs because of the owner's failure to maintain the sidewalk in good



repair or safe condition. City shall not be liable under these circumstances unless City is the owner and City's act or failure to act is the direct and proximate cause of the injury or damage.

4.2. If the City is required to pay damages for personal injury or property damage caused by the failure of an owner to maintain a sidewalk in good repair or safe condition such owner shall reimburse the City for the full amount of the damages thus paid and for the attorney fees and cost of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

**Part B:**      **LOCAL IMPROVEMENT DISTRICT; LANDOWNER DUTIES; ENFORCEMENT.**

**Section 5.**      **Construction, findings required.** The Council may proceed in the manner set forth in City Ordinance #1157 and/or ORS 223.387 et seq. for the creation of a local improvement district, as long as it is consistent with any existing City Sidewalk Plan, if any of the following conditions are found to exist:

- 5.1. A dangerous or hazardous condition to pedestrians or vehicular traffic exists on a sidewalk or in a street right-of-way;
- 5.2. There is a general public health, safety and/or welfare need that a street be improved by the construction of a sidewalk thereon not to exceed one (1) block in length if platted as a block or three hundred (300) feet if not platted, which sidewalk would connect with the sidewalk or sidewalks already constructed on such street or cross streets intersecting therewith; or
- 5.3. The landowners within an area in City specifically described request it; and
- 5.4. Public funds sufficient to support City's portion of the project are available and appropriated for that purpose.

**Part C.**      **NOTICE.**

**Section 6.**      **Notice.**

- 6.1. **Notice of Public Nuisance.** Upon a determination by the City Manager, City Engineer or their designee that a public nuisance (other than a dangerous/hazardous nuisance or abnormally dangerous/hazardous nuisance) exists, a 45-day written notice of a public nuisance shall be provided to a landowner and/or occupant ordering landowner to abate the public nuisance.
- 6.2. **Notice of Dangerous/Hazardous Sidewalk.** Upon a determination by the City Manager, City Engineer or their designee that a dangerous/hazardous sidewalk exists, a 10-day written notice of a dangerous/hazardous sidewalk shall be provided to a landowner and/or occupant ordering landowner to abate the dangerous/hazardous condition.
- 6.3. **Notice of Abnormally Dangerous/Hazardous Sidewalk.** Upon a determination by the City Manager, City Engineer or their designee that an abnormally dangerous/hazardous sidewalk exists, a written notice of a dangerous/hazardous sidewalk shall be immediately provided to a

landowner and/or occupant ordering landowner to abate the dangerous/hazardous condition immediately and to take immediate steps to secure the area to protect the public.

**6.4. Stay of Enforcement; Stay Not a Bar to Fine.** A notice shall stay City's enforcement until the expiration of the notice period. **This means a City notice under subsection 6 shall cause City's enforcement action under this ordinance only to be stopped or "on hold" until the notice period ends.** However, a stay of enforcement to gain compliance shall not be a bar to any fine or penalty available under any law in any later prosecution to gain compliance. **This means, that even though City's enforcement action is "on hold", the fines and/or penalties under any law are not on hold, but continue to accrue or increase as long as the condition constituting a violation continues to exist.** A notice under subsection 6 may be superseded by a subsequent notice which subsequent notice shall control in any conflict between notices. **This means the last notice issued to a landowner pursuant to subsection 6 is the notice to follow as compared to any conflicting parts of (or whole) an earlier notice issued to that landowner on the same violation.**

**Section 7. Notice Service.** Notices shall be served in the following manner:

- 7.1.1 By personally serving a written notice;
- 7.1.2 By posting on the main entrance to the property or structure;
- 7.1.3 By mailing first-class mail, certified, return-receipt requested to the landowner of record as shown on records of the Tillamook County Tax Collector/Assessor; or
- 7.1.4 By any combination of the above or any other method reasonably calculated to provide actual notice to the landowner.

**Section 8. Notice Contents.**

8.1. The notice to abate shall contain:

- 8.1.1 A common description of the real property by street address or otherwise on which the nuisance exists.
- 8.1.2 A direction to abate the nuisance within immediately, 10 days or 45 days from the date of receiving the notice depending upon the classification of the nuisance.
- 8.1.3 A general description of the nuisance.
- 8.1.4 A statement that, unless the nuisance is abated, the city may abate the nuisance; and the cost of abatement will be charged to the person responsible.
- 8.1.5 A statement that failure to abate a nuisance may cause the person responsible be cited into Municipal Court with possible imposition of a fine, as well as abatement costs.
- 8.1.6 A statement that the person responsible may protest the order to abate by giving notice to the City Manager within 14 days from the date of receipt of the notice.
- 8.1.7 A statement that the person responsible may request, to the City Manager, an extension of time to abate the nuisance, not to exceed 30 days, from date of receipt of original notice.



8.2. The City Manager, City Engineer or Police Department shall, upon sending out notice, also cause a report to be filed in the Police Department, documenting all action occurring with this nuisance.

8.3. An error in the name or address of the person responsible shall not make the notice void.

#### **Part D. REMEDIES.**

**Section 9. Inspections Authorized.** The City Engineer shall inspect City sidewalks and curbs as time and public funds permit (1) upon City Council request, (2) upon any written complaint describing the nature and location of the violation, (3) as outlined in any existing City Sidewalk Improvement Plan, or (4) as otherwise required to monitor the sidewalk/curb construction or repair within any City permit. Following inspection, City Engineer shall report the engineer's analysis and recommended action to the Council, City Manager and/or enforcement officer.

**Section 10. City Construction.** If a sidewalk is not constructed or repaired within the time required by the Notice required by Sections 6, 7 and/or 8, then the City may, subject to the availability and appropriation of public funds, proceed with enforcement, abatement and/or such construction for all or part of the sidewalk frontage of such property. The City may assess and collect the costs for such abatement or construction as provided by this Ordinance plus an administration fee of 25% of those costs. Additionally, the sidewalk may be considered a public nuisance and subject to prosecution as a violation punishable by a fine, as provided for in this Ordinance. Each day a public nuisance exists shall be considered a separate offense.

**Section 11. Sidewalk Construction Requested by the Property Owner.** If a property owner petitions the Council for an order to build a sidewalk on the part of the street abutting his or her property, agrees to pay cash or to make an application to pay the cost in installments as provided by the Bancroft Bonding Act (as amended), waives the right of service and publication of notice of construction and consents to the assessment of the property upon which the sidewalk abuts, the Council may order the construction of the sidewalk if in its judgment the sidewalk should be built and sufficient public funds for the project are available.

#### **Section 12. Abatement by the Person Responsible.**

12.1. Within the time specified in a notice, the person responsible shall remove the nuisance or show that no nuisance exists.

12.2. A person responsible may protest that no nuisance exists by filing with the City Manager a written statement which specifies in detail the protest's bases. This statement shall be received by City within the 14 days from the date of receipt of the notice.

12.3. The City Manager shall have 14 days to respond from the date the City Manager receives the notice. The response shall indicate either (1) the nuisance no longer exists and no further action is required or (2) the nuisance still exists and set a further timeline of 14 days to abate the identified nuisance.

12.4. The person responsible may request an extension from the City Manager. The request must be received by the City Manager within 14 days of the person responsible receiving the notice. The City Manager may allow an extension to abate, not to exceed 30 days.

12.5. Once the final date allowed to abate has passed, and the City determines the nuisance has not been abated, the Police Department shall then cite the person responsible into Municipal Court.

12.6. The time here shall be extended by three days where notice or reply was served by mail.

**Section 13. City Repair and Liens.** Upon City's completion of work placing a sidewalk or curb in good condition a lien shall attach. Filing notice of City's claim of lien shall be consistent with ORS 87.366 for claiming a lien on real property. Recording of the notice shall be with the City Recorder in City's lien record and/or with the Tillamook County recording officer in a book kept for the recording of liens. City's lien shall be valid for six years, unless extended by written agreement with landowner for two additional years. The landowner shall either pay the full amount or City shall commence lien foreclosure within that time. Foreclosure shall be in the manner provided in ORS chapter 88. Except for tax liens, City's lien shall be superior to all subsequently perfected liens, mortgages and/or other encumbrances, including state and federal liens, unless otherwise required by law. In suits to foreclose on a lien created here, the court, upon entering judgment for the lien claimant, shall allow as part of the lien all moneys paid for the filing and/or recording of the lien. In suits to foreclose a lien created here, the court shall allow reasonable attorney fees, costs and disbursements, at trial and on appeal, to the prevailing party.

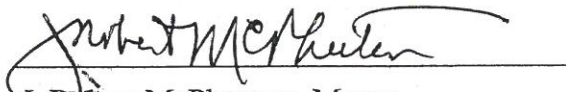
**Section 14. Repeal.** Ordinance No. 688 and any and all other ordinances or parts of ordinances conflicting with this Ordinance are hereby repealed.


**Section 15. Savings.** If any part of this Ordinance is held unconstitutional or otherwise void, all remaining provisions shall remain in force.

PASSED 1<sup>st</sup> reading by the Tillamook City Council this 21 day of November, 2005.

PASSED 2<sup>nd</sup> reading by the Tillamook City Council this 5 day of December, 2005.

APPROVED by the Tillamook City Council this 5 day of December, 2005.

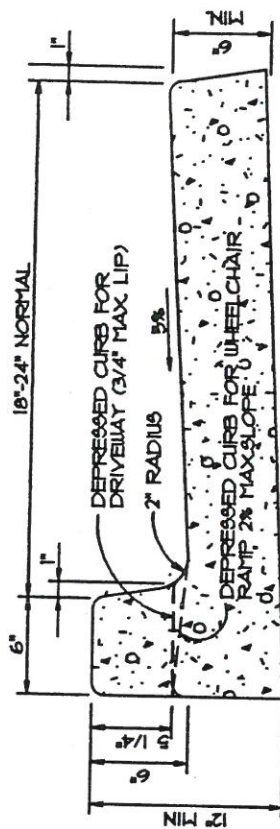
  
J. Robert McPheeters, Mayor

ATTEST:   
Bernadette Sorensen, City Recorder.

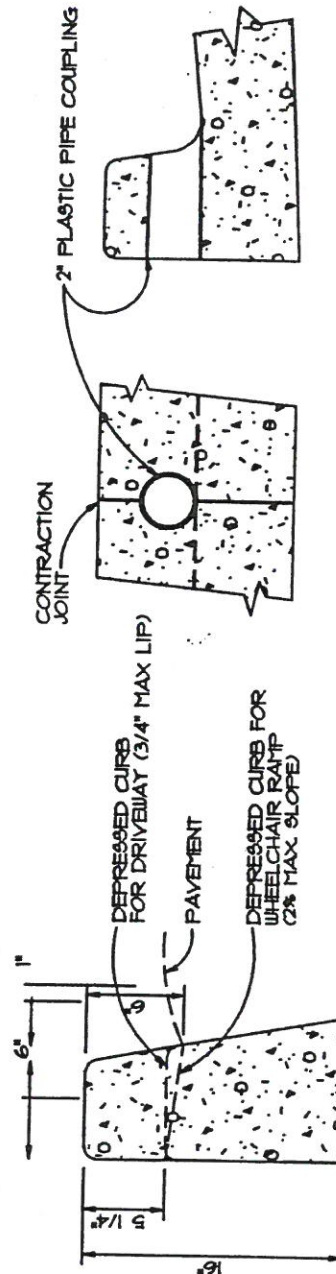


## **APPENDIX C**

### **City of Tillamook Public Works Sidewalk Construction Standards & Public Works Permit Application**



## TYPICAL CURB & GUTTER



## TYPICAL STRAIGHT CURB

## WEEP HOLE THROUGH CURB

### NOTES:

1. ALL RADII SHALL BE 3/4" EXCEPT AS OTHERWISE SHOWN.
2. ISOLATION JOINTS SHALL BE PLACED ONLY AS SPECIFIED.
3. EXPANSION JOINTS SHALL BE PLACED AT 20' INTERVALS AND SHALL EXTEND 100% THROUGH THE CURB OR CURB AND GUTTER.
4. A CONTRACTION JOINT SHALL BE PLACED ALONG AND OVER WEEP HOLE THROUGH THE CURB AND THROUGH THE SIDEWALK.
5. WHEN SIDEWALKS ARE CONSTRUCTED, EXTEND 2" PIPE TO BACK OF SIDEWALK AND INSTALL COUPLING.

CITY OF TILLAMOOK

CURB AND GUTTER,  
CURB,  
AND WEEPHOLE

DATE:  
DECEMBER 1999

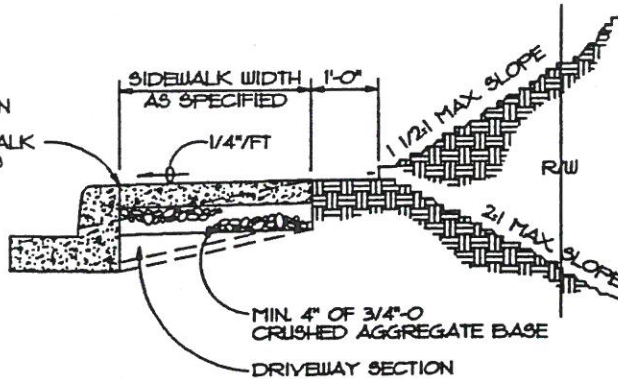
DRAWING NO.  
05



06

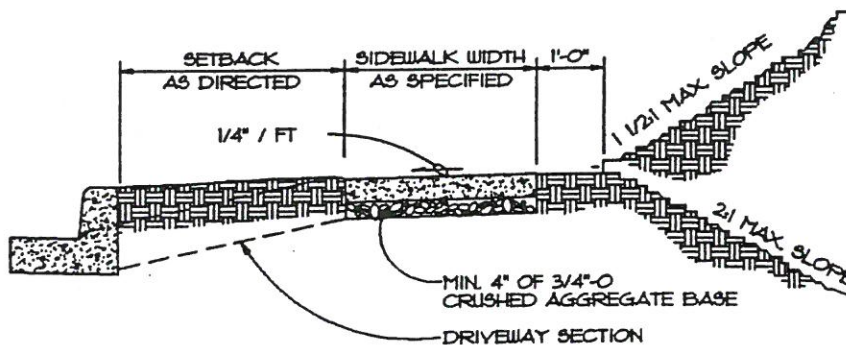


INSTALL ISOLATION  
JOINT BETWEEN  
CURB AND SIDEWALK  
MONOLITHIC CURB  
AND SIDEWALK  
NOT ALLOWED

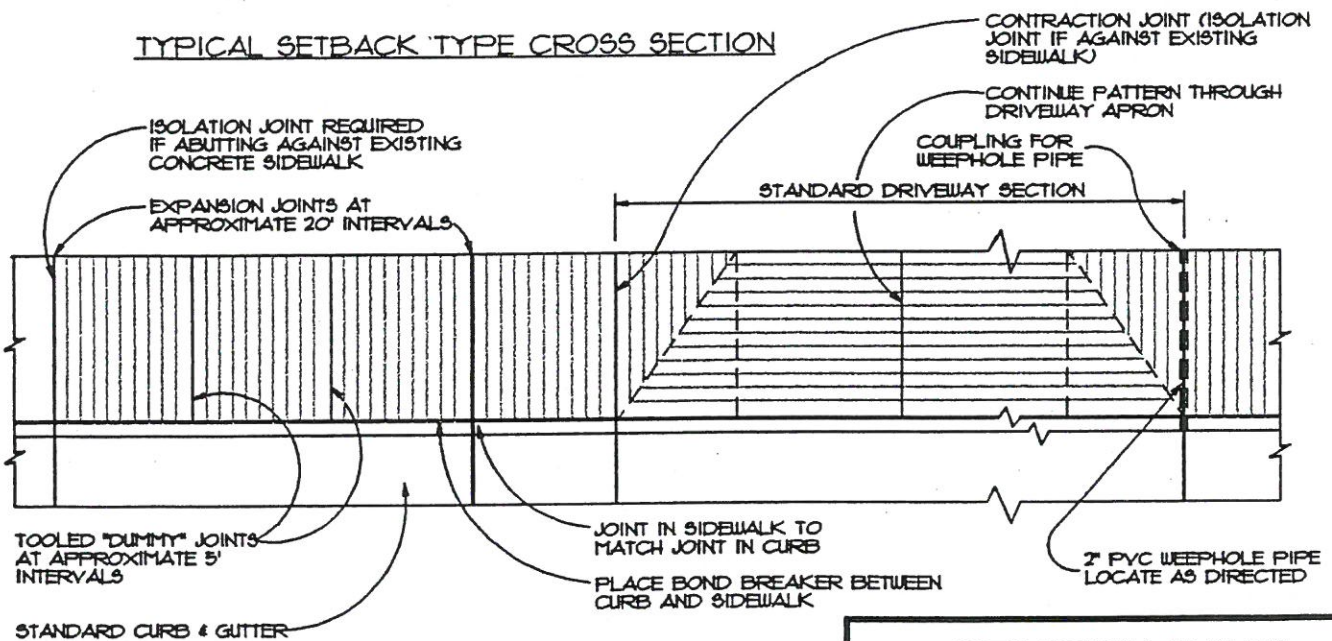


NOTE:  
CONCRETE DEPTH FOR STANDARD  
SIDEWALKS SHALL BE NOMINAL 4"  
MIN.; DRIVEWAY SECTIONS  
INCLUDING SIDEWALKS THROUGH  
DRIVEWAYS SHALL BE NOMINAL 6"  
MIN.

TYPICAL CURB TYPE CROSS SECTION



TYPICAL SETBACK TYPE CROSS SECTION



TYPICAL PLAN VIEW

NOTE

1. SIDEWALKS 6 FEET AND WIDER SHALL HAVE A LONGITUDINAL CONTRACTION JOINT AT THE MIDPOINT.
2. CONCRETE DEPTHS FOR STANDARD SIDEWALKS SHALL BE NOMINAL 4" MIN; THICKNESS IN DRIVEWAY SHALL MATCH EXISTING DRIVEWAY, 6" MIN.
3. INSTALL 2" PVC WEEPHOLE PIPES IN SIDEWALKS IN LOCATIONS AS PER STANDARD DETAILS. PLACE CONTRACTION JOINT OVER THE TOP OF THE PIPE.

TILL-07.DWG

**CITY OF TILLAMOOK**

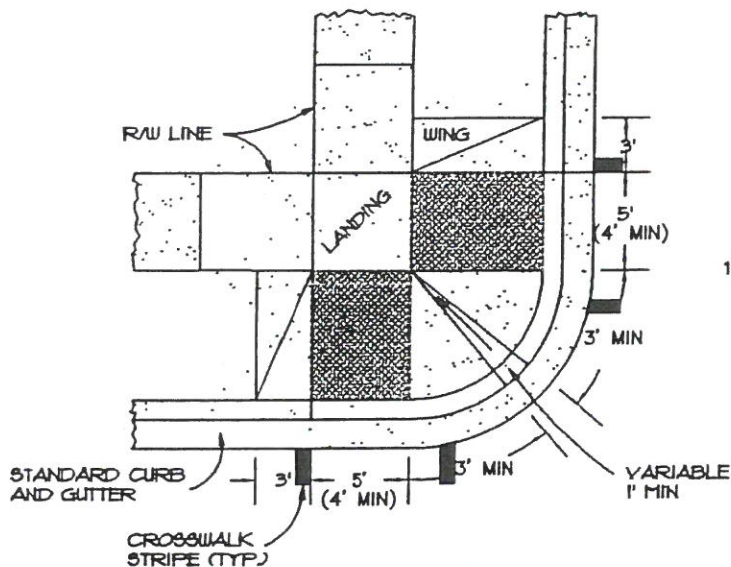
**SIDEWALK**

DATE:

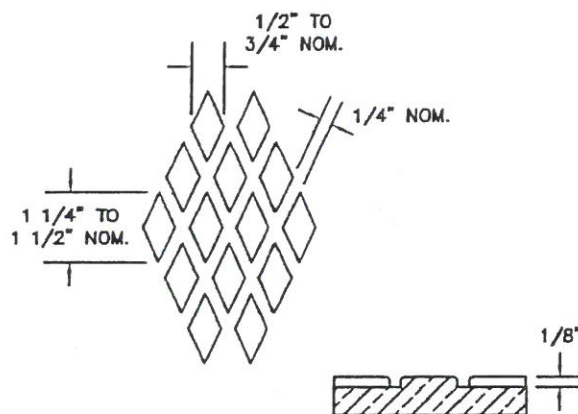
DECEMBER 1999

DRAWING NO.

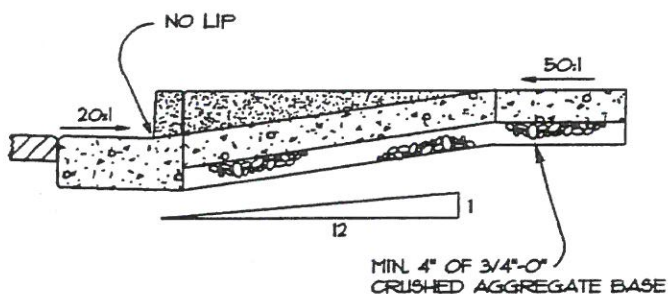
**07**



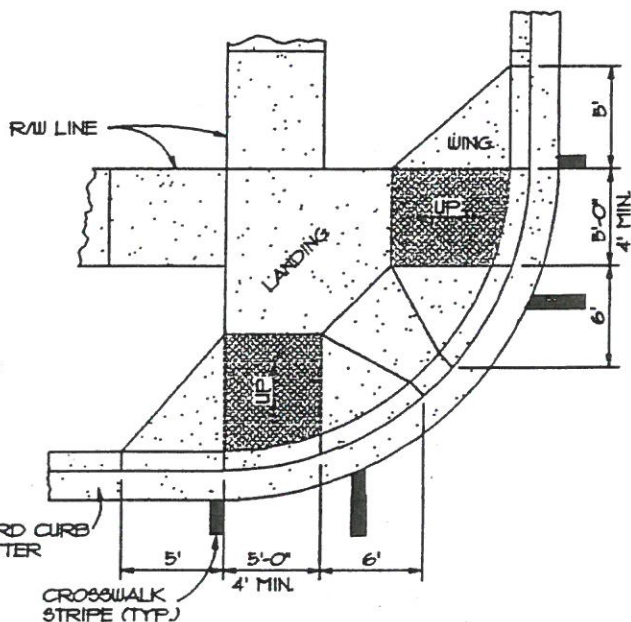
PERPENDICULAR CURB RAMP (TYPE 1)



RAMP TEXTURE DETAIL



SECTION THROUGH RAMP - ALL VIEWS



PERPENDICULAR CURB RAMP (TYPE 2)

NOTES:

1. THE "AMERICANS WITH DISABILITIES ACT" (ADA) REQUIRES THAT ACCESS RAMPS TO SIDEWALKS CONFORM TO ALL FEDERAL GUIDELINES. EXCEPTIONS TO THE REQUIREMENTS IN THIS DRAWING MUST BE APPROVED BY THE CITY AND MUST COMPLY WITH ADA.
2. NO ABOVE GROUND UTILITIES ARE PERMITTED WITHIN RAMP AREA.
3. LANDINGS SHALL BE PLACED AT THE TOP OF EACH RAMP. LANDING SLOPES SHALL NOT EXCEED 50:1 IN ANY DIRECTION. THE SLOPE OF THE SURFACING AT THE BOTTOM OF THE RAMP SHALL NOT EXCEED 20:1 FOR THE DISTANCE OF 2' (SEE TYPICAL SECTION ABOVE).
4. MINIMUM LANDING DIMENSIONS SHALL BE 4'x4'.
5. RAMP SURFACE SHALL BE TEXTURED WITH RAISED DIAMOND TEXTURE. TEXTURING SHALL BE DONE WITH AN EXPANDED METAL GRATE STAMPED INTO THE CONCRETE.
6. CONCRETE STRENGTH SHALL BE 3300 PSI.

TILL-08.DWG

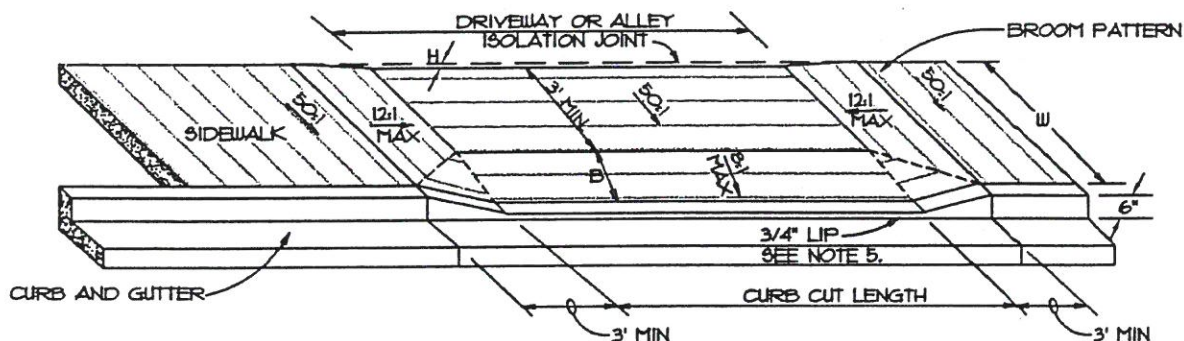
CITY OF TILLAMOOK

SIDEWALK  
ACCESS RAMPS

DATE:  
DECEMBER 1999

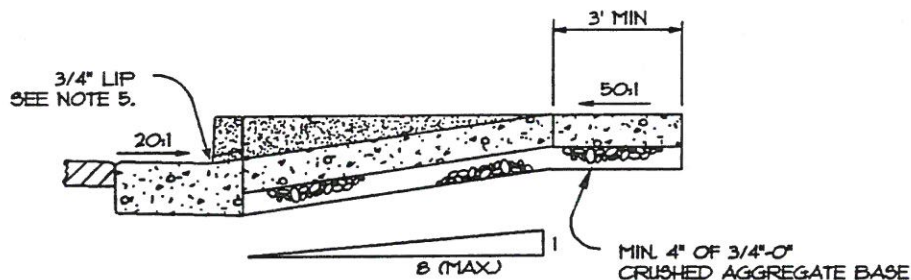
DRAWING NO.  
08





### DRIVEWAY APPROACH FOR CURBLINE SIDEWALK

W	B	H	
4'	1'	0.31'	(3-3/4")
5'	2'	0.27'	(3-1/4")
6'	2'	0.29'	(3-1/2")
7'	3'	0.19'	(2-1/4")
8'	4'	0.08'	(1")



### TYPICAL SECTION THROUGH DRIVEWAY RAMP

#### NOTES:

1. RESIDENTIAL DRIVEWAYS AND SIDEWALK SECTIONS THROUGH DRIVEWAYS SHALL HAVE A NOMINAL THICKNESS OF 6" INCHES. CONCRETE STRENGTH SHALL BE 3300 PSI.
2. CONCRETE FOR COMMERCIAL USE AND ALLEY APPROACHES SHALL HAVE A MINIMUM NOMINAL THICKNESS OF 8". CONCRETE STRENGTH SHALL BE 3300 PSI.
3. CURB TRANSITIONS FOR COMMERCIAL USE AND ALLEY APPROACHES SHALL BE 5 FEET.
4. CONSTRUCT EXPANSION JOINT IN CENTER OF DRIVEWAY WHEN DRIVEWAY WIDTH EXCEEDS 20'.
5. NO LIP AT GUTTER IF USED AS SIDEWALK ACCESS RAMP.
6. SEE SIDEWALK DETAILS FOR RESTRICTIONS AND SPECIFICATIONS NOT SHOWN.
7. THE 50:1 CROSS-SLOPE OF SIDEWALK IS MEASURED FROM HORIZONTAL. THE 12:1 SLOPE OF SIDEWALK TRANSITION TO DRIVEWAY IS RELATIVE TO THE RUNNING SLOPE OF THE SIDEWALK. THE SLOPE OF THE APRON IS MEASURED RELATIVE TO HORIZONTAL.

CITY OF TILLAMOOK

### DRIVEWAY APPROACHES WITH DEPRESSED CURBLINE SIDEWALK

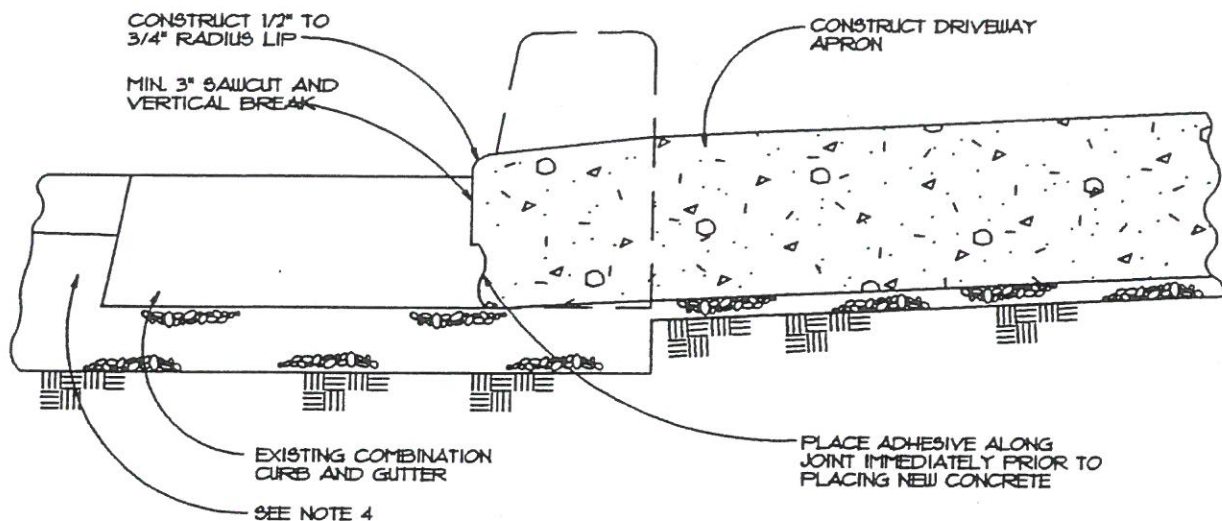
DATE:

DECEMBER 1999

DRAWING NO.

09





**NOTES:**

1. SAWCUT THROUGH GUTTER PLATE SHALL BE MADE AS CLOSE TO CURB FACE AS POSSIBLE.
2. COMPLETE CURB AND GUTTER SHALL NOT BE REMOVED UNLESS DIRECTED BY THE ENGINEER.
3. WHEN STRAIGHT CURBS ARE REMOVED, A MINIMUM OF 2 FEET OF PAVEMENT FROM THE FACE OF CURB SHOULD BE REMOVED AND REPLACED.
4. WHEN ENTIRE GUTTER PLATE IS REMOVED THE EXISTING PAVEMENT SHALL BE CUT BACK AND A 6" MONOLITHIC CONCRETE BENCH SHALL BE CONSTRUCTED WITH THE NEW GUTTER TO PROVIDE SUPPORT UNDER PAVEMENT. (SEE VALLEY GUTTER DETAILS).

CITY OF TILLAMOOK

CURB KNOCKOUT  
FOR DRIVEWAYS

DATE:  
DECEMBER 1999

DRAWING NO.  
10

# CITY OF TILLAMOOK PUBLIC WORKS PERMIT

## For Sewer, Street, Sidewalk Construction

CITY OF TILLAMOOK PUBLIC WORKS DEPARTMENT  
210 LAUREL AVENUE, TILLAMOOK, OR 97141  
503-812-8801

APPLICANT: \_\_\_\_\_

PERMIT NO.: \_\_\_\_\_

LEGALLY RECORDED OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ REG. NO. \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

JOB LOCATION: \_\_\_\_\_

TAX LOT: \_\_\_\_\_ SECTION: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ WWM

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ ADDITION: \_\_\_\_\_

ZONE: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_ X \_\_\_\_\_ OR \_\_\_\_\_ ACRES

ISSUED FOR: \_\_\_\_\_

☐ SIDEWALK/STREET CONSTRUCTION \_\_\_\_\_

☐ DRIVEWAY CONSTRUCTION \_\_\_\_\_

☐ SEWER/STORMWATER/WATER LINE CONSTRUCTION \_\_\_\_\_

☐ MANHOLE PLACEMENT \_\_\_\_\_

☐ RESIDENTIAL ☐ PUBLIC ☐ COMMERCIAL ☐ INDUSTRIAL

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the City of Tillamook and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

\*\*\*\*\* (FOR TILLAMOOK CITY USE) \*\*\*\*\*

APPROVAL & RECORD OF INSPECTIONS:

☐ SIDEWALK/STREET \_\_\_\_\_

☐ DRIVEWAY ACCESS \_\_\_\_\_

☐ SEWER/STORM WATER/WATER LINE \_\_\_\_\_

☐ MANHOLE PLACEMENT \_\_\_\_\_

☐ BACKFLOW DEVICE \_\_\_\_\_

PLANS APPROVED: ☐ YES ☐ NO \_\_\_\_\_

\*\*\*\*\*

DEPARTMENT	APPROVED BY:	DATE	RECEIPT NO.
PLANNING & ZONING			CONSTRUCTION COST \$
PUBLIC WORKS			REVIEW/INSPECTION FEE \$

- FEES ARE NONREFUNDABLE
- ALL REVIEWS/INSPECTIONS MUST BE SIGNED OFF BEFORE CONTINUING WORK

☎ CALL ARLEY SULLIVAN, PUBLIC WORKS DIRECTOR, FOR SIDEWALK/DRIVEWAY INSPECTION BEFORE YOU POUR CONCRETE 812-8801.

☎ CALL SEWER DEPARTMENT WHEN PLACING NEW SEWER LINE AND NEW SEWER HOOK-UP FOR INSPECTION BEFORE NEW LINE IS BURIED, 842-4155.

CITY OF TILLAMOOK PUBLIC WORK DEPARTMENT, CITY HALL, TILLAMOOK, OREGON 97141.

## **APPENDIX D**

### **Examples of Sidewalks that meet City Standards**



Good SIDEWALK AND ADA Ramp



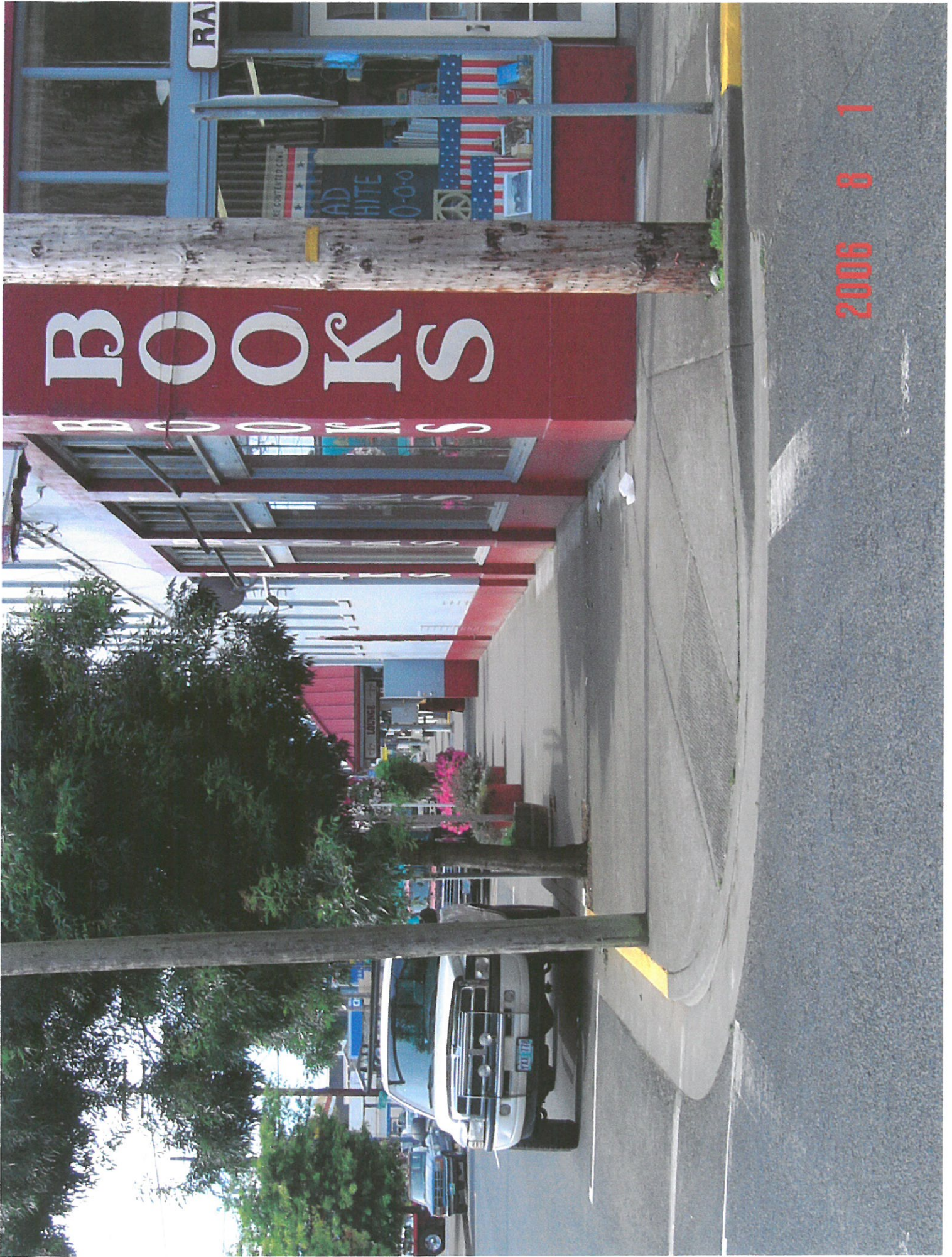
2006 8 1





2008 1









## **APPENDIX E**

### **Examples of Substandard Sidewalks**



4"



2006 8 1

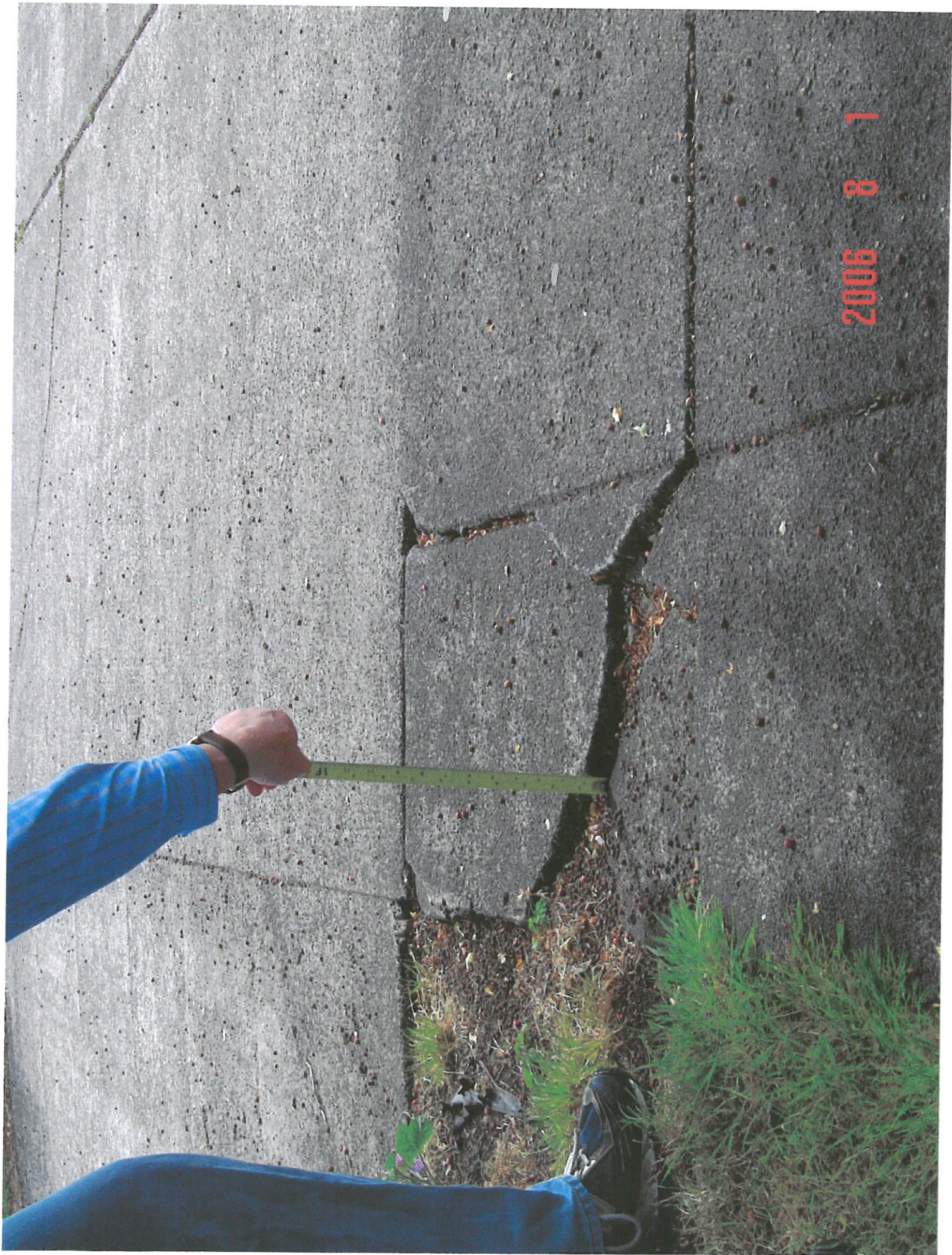




2006 8 1



1 1/4"



2006 8 1





2008 8 1



MARGINAL < 3/4

1000











2006 8 1



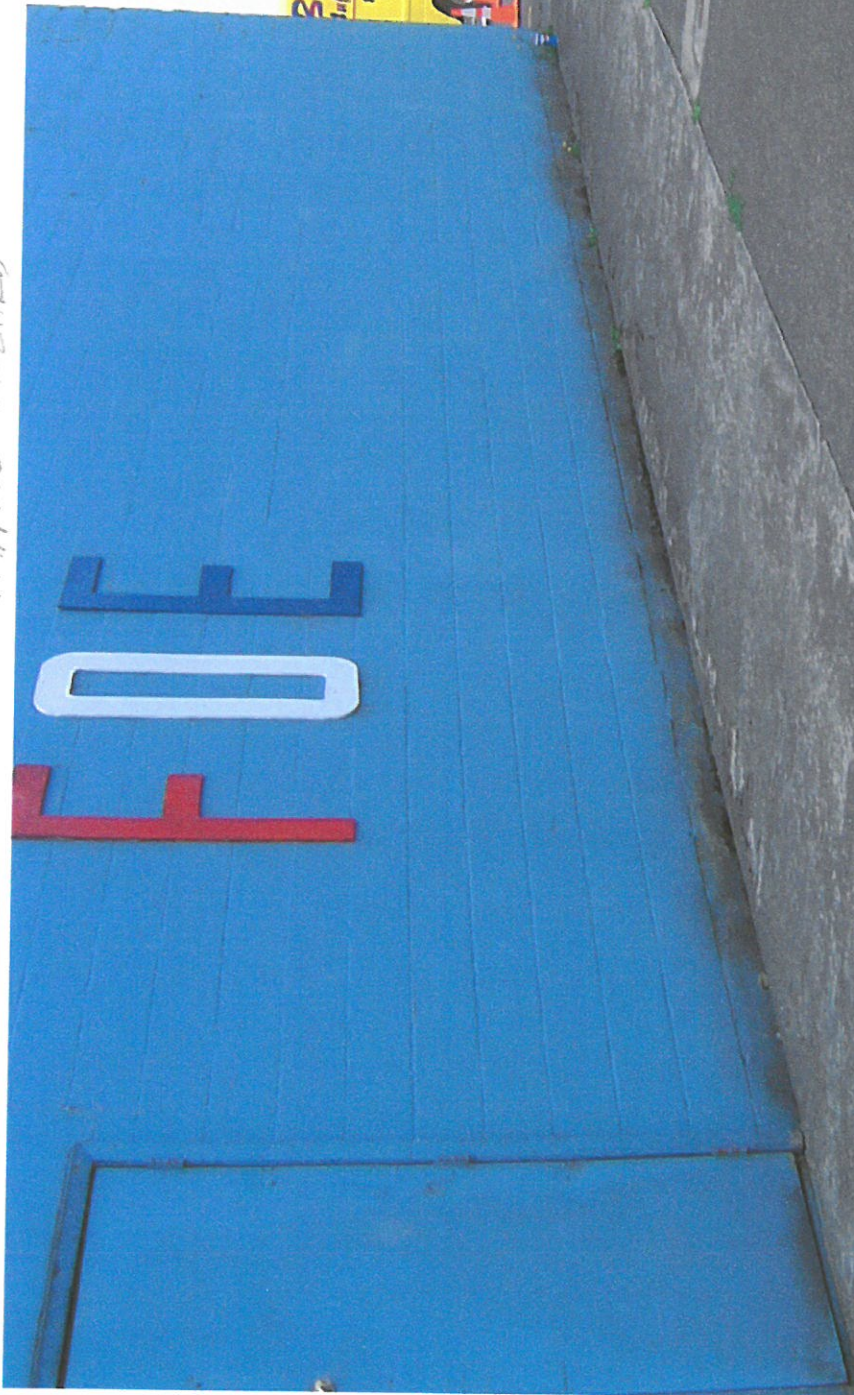








TRIPPING HAZARD



2006 8 1



ASPHALT PATCH IN CONCRETE SIDEWALK









2006 8 1

