

ORDINANCE NO. 2736

AN ORDINANCE PLACING THE RESPONSIBILITY FOR SIDEWALK REPAIRS ON ADJACENT PROPERTY OWNERS, PRESCRIBING THE PROCEDURE TO BE FOLLOWED IN MAKING REPAIRS TO DEFECTIVE SIDEWALKS, PROVIDING FOR THE ASSESSMENT TO THE PROPERTY OWNERS OF THE COSTS OF SIDEWALK REPAIR WHEN DONE BY THE CITY, PROVIDING FOR THE LIABILITY OF PROPERTY OWNERS FOR PERSONAL INJURIES DUE TO DEFECTIVE SIDEWALKS, AND DECLARING AN EMERGENCY.

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

**Section 1: DUTY OF OWNERS TO MAKE SIDEWALK REPAIRS, POWER OF COUNCIL.** It is hereby made the duty of all owners of land adjoining any street in the City of Albany to maintain in good repair the sidewalks in front of said 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 said city.

**Section 2: NOTICE OF DEFECTIVE SIDEWALKS.** 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 said notice shall direct the owner, agent or occupant of said property immediately to repair the same in a good and substantial manner, and the person posting said 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 said notice, send by mail, postpaid, a notice to repair said sidewalk to the owner, if known, and directed to the 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 be unknown to the City Recorder, such 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 such notice, but in such case, the posted notice shall be sufficient.

**Section 3: PERMIT FOR REPAIRS.** The owner, agent, or occupant, before making said repairs, shall obtain from the City Engineer a permit so to do, 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 said repairs within twenty (20) days from the date of posting said notice.

**Section 4: REPAIRS BY CITY, RECORD AND REPORT.** 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 such repairs, and a description of the lot or part thereof or parcel of land fronting on the sidewalk upon which such repairs are made.


**Section 5: 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 such repairs or laying the same including legal, administrative and engineering 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.

**Section 6: LIABILITY OF OWNERS.** The owner or owners of land adjoining any street in the City of Albany shall be liable to any person suffering injury by reason of any defect in the sidewalks in front of said land.

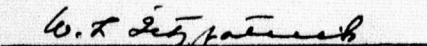
**Section 7: EMERGENCY DECLARED.** Whereas, it is necessary that this Ordinance take effect immediately since the recently adopted charter of the City of Albany does not place the responsibility for the making of sidewalk repairs, the council deems it necessary for the peace, health and safety of the inhabitants of the city that this ordinance take effect immediately.

NOW, THEREFORE, An emergency is hereby declared to exist and this Ordinance shall go into full force and effect upon its passage and approval.

Passed by the Council: April 10, 1957

  
Recorder

Approved by the Mayor: April 10, 1957

  
Mayor