

## ***Chapter 12.12 STREETS AND CURBS***

### **Sections:**

#### **12.12.010 Duty of owners.**

It is made the duty of all owners of land adjoining any street in the city:

- A. To keep the on-street parking area free of obstructions other than on-street parking as intended by design;
- B. To protect from damage the area of on-street parking and curbs for those portions of the street abutting such land.

(Ord. 4-2008 § 3 (part), 2007)

#### **12.12.020 Maintaining free and unobstructed streets and curbs.**

It is the duty of all owners or tenants of land adjoining a street in the city to maintain free and unobstructed streets ~~which are designed to be pedestrian pathways~~.

- A. No owner shall affix to, or place on or over, the street in a manner to create an obstruction any of the following items:
  1. Sports or other stanchions or appurtenances (e.g., basketball baskets and supporting structures, etc.);
  2. Fencing;
  3. Retaining walls;
  4. Trees or shrubs;
  5. Garbage cans other than noted in subsection B of this section;
  6. Other items which impair full unobstructed on-street parking access to the street or create diminished safety of the pedestrian or vehicular traffic.
- B. Exceptions include the following:
  1. Garbage cans within twenty-four (24) hours prior to or after pickup;
  2. Other similar temporary obstructions deemed appropriate by the city manager or their designee.

(Ord. 4-2008 § 3 (part), 2007)

#### **12.12.030 Notice of obstructed street or curbs.**

If the owner or tenant of any lot or part thereof or parcel of land shall cause any obstruction of the street or curbs, ~~it shall be the duty of~~ the city manager or their designee may, but is not required to, notify the owner or tenant of the violation. It shall be the duty of the owner or tenant to remove the identified obstruction.

(Ord. 4-2008 § 3 (part), 2007)

---

## **12.12.040 Penalty for violation of obstruction of streets or curbs.**

A violation of obstruction of street or curbs shall constitute a Class D violation as defined in Chapter ~~153 of the Oregon Revised Statutes or as hereafter amended and the fine for such a violation shall be as set forth in Chapter 153 of the Oregon Revised Statutes for a Class D violation as presently defined or as hereafter amended~~<sup>1.16 General Penalty; Violations and Fines; Procedure in Criminal Matters Generally of this Municipal Code and the fine for such a violation shall be as set forth in that same Chapter for a Class D violation as presently defined or as hereafter amended.</sup>

(Ord. 4-2008 § 3 (part), 2007)

## **12.12.050 Protecting streets and curbs from damage.**

It shall be the responsibility of the owner of land abutting a street to protect the curb and area of on-street parking from damage to the pavement or curb from the following practices resulting in damage to those structures:

- A. Vehicle fluid leaks such as oil, transmission fluid, hydraulic fluid, antifreeze, acids, and other damaging fluids;
- B. Parking on the curb creating structural damage to the curbs;
- C. Digging, grinding, or other activities which degrade pavement surface;
- D. Preventing tree or shrubbery roots from uplifting curbs and streets causing structural damage;
- E. Other practices by the owner which may cause structural damage to the street or curbs beyond normal wear and tear.

(Ord. 4-2008 § 3 (part), 2007)

## **12.12.060 Notice of street or curb damage.**

If the owner of any lot or part thereof or parcel of land shall suffer any street or curb damage along the same, ~~it shall be the duty of~~ the city manager or their designee, or any person appointed by the council for that purpose, ~~when ordered to do so by the council, may, but is not required~~ to, post a notice on the adjacent property headed "Notice to Repair Damaged Streets and Curbs," and such notice shall direct the owner, agent, or occupant of such property immediately to repair the same in a good and substantial manner. 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 it was posted. ~~The city recorder~~ ~~They shall, upon receiving the affidavit of the person posting such notice also, send such notice~~ by mail, postpaid, ~~a notice to repair such streets and curbs~~ 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~~. If such post-office address be unknown to the city ~~recorder~~, such notice shall be directed to such owner or agent at Boardman, 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 such notice void. In such case, the posted notice shall be sufficient. Repairs shall be made within twenty (20) days from the posting of the notice.

(Ord. 4-2008 § 3 (part), 2007)

---

### **12.12.070 Permit for repairs.**

Prior to making street or curb repairs, the owner, agent, or occupant shall obtain from the Planning Official with input from the City Engineer a permit prescribing the kind of repair to be made, the material to be used, and the specifications therefore.

### **12.12.070-080 Assessment for repairs**Repairs by city, record and report.

~~The council shall, at least once each year, by ordinance assess the cost of making such repairs or laying the same including legal, administrative, and engineering costs attributable thereto upon each lot or part thereof or parcel of land fronting upon streets which have been so repaired. All such assessments may be combined in one assessment roll and the city recorder shall enter in the docket of city liens a statement of the amounts assessed on each lot or part thereof or parcel of land, together with the name of the owners and the date of the assessment ordinance. Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the lot or part thereof or parcel of land that has been assessed for the sidewalk repair. Such assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as the laws of the state of Oregon permit. Interest shall be charged at the rate of six percent per annum until paid on all amounts not paid within thirty (30) days from the date of the assessment ordinance. After expiration of thirty (30) days from the date of such assessment ordinance, the city may proceed to foreclose or enforce collection of the assessment liens in the manner provided by the general law of the state of Oregon.~~

If the owner, agent, or occupant of a lot, part of a lot, or parcel of land fails, neglects, or refuses to make the street or curb repairs within the time designated, the city may make the repairs. The city engineer shall keep an accurate account of the cost of the labor and materials used in making the repairs and use the abatement process outlined in Title 8 Health and Safety Chapter 8.04 Nuisances specifically 8.04.170 through 8.04.230.

(Ord. 4-2008 § 3 (part), 2007)

### **12.12.080 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 failure to maintain the streets or curb in front of such land in accordance with Chapter 12.12.

(Ord. 4-2008 § 3 (part), 2007)