

AN ORDINANCE FOR THE CONSTRUCTION, REPAIR AND CLEARING OF SIDEWALKS IN THE CITY OF GARIBALDI AT THE EXPENSE OF THE PROPERTY ADJACENT TO AND ABUTTING UPON SUCH SIDE WALKS; AND PROVIDING FOR THE CONSTRUCTION OF SIDEWALKS AND CURBS UPON OFFICIAL GRADES, FIXING THE DIMENSIONS OF CURBS, ESTABLISHING CURB LINES ON CERTAIN WIDTH STREETS; REGULATING AND CONTROLLING THE DEPTH AND LOCATION OF WATER MAINS AND SERVICE LINES; PROVIDING FOR THE PROPER BARRICADING OF SIDEWALK CONSTRUCTION AREAS AND INDEMNIFYING THE CITY OF GARIBALDI AND PROVIDING AN EMERGENCY.

THE CITY OF GARIBALDI DOES ORDAIN AS FOLLOWS:

Section 1. Construction of Sidewalks

That whenever the Common Council of the City of Garibaldi, Oregon, shall deem it expedient that any new sidewalks shall be constructed within the City of Garibaldi, the Common Council shall pass an ordinance declaring that construction of such sidewalks is expedient and describe in said ordinance with convenient certainty the location thereof the kind of material required to be used in the construction thereof and the time within which the same shall be completed; provided that the owner of the property, resident within the City of Garibaldi, shall be allowed at least ten (10) days and owners of property, non-resident in the City of Garibaldi, shall be allowed twenty (20) days within which to complete the construction of any such sidewalk, said ordinance shall provide that said sidewalks are to be constructed at the expense of the adjacent and abutting property owners or at the general expense of the City of Garibaldi and shall provide that the actual cost not exceed fifteen percent (15%) of the amount of the cost for engineering charges for supervision and inspection shall be added to the other costs of such sidewalks also assessed against the abutting property.

Section 2 Grade of Walks - Width and Material

All sidewalks constructed in the City of Garibaldi shall be laid on the official grade as furnished by the City Engineer unless specifically ordered otherwise by the Common Council of said City; All sidewalks shall be laid with a full fall toward the curb of one-quarter (1/4) of one (1) inch to the foot and shall meet the curb flush with the top thereof at all street intersections, if possible and practical; All sidewalks shall be laid with the minimum width of four (4) feet and a minimum thickness of three and one-half (3 1/2) inches; All sidewalks shall be constructed of concrete mixture consisting of one (1) part of cement to five (5) parts of sand and rock.

Section 3 Permit to Build New or Repair Walks

Any person or persons desiring to repair a sidewalk or construct a new sidewalk shall apply for a permit to build or repair the same to the City Engineer of the City of Garibaldi, describing the location, kind of material and width of such walk and if such application shall comply with the requirements of this ordinance it shall be the duty of the city engineer to furnish said applicant without cost or charge a written permit to build, improve or repair such walk.

Section 4 Relating to Curbs

All curbs within the City of Garibaldi, Oregon, shall conform to the official street grades and shall be uniform as to material, dimensions, and distances from property lines along which they are built. All curbs to be eighteen inches high, plumb back, slope front, one (1) inch to the foot, top six (6) inches thick. All form material to be a minimum of two (2) inches in thickness. All curbing of whatever kind shall be constructed upon the lines or distances from the property

lines along which or in front of which they shall be established according to the width of roadway established or which may be hereafter established by the Common Council, provided that nothing in this section or in this ordinance shall be constructed to preclude the council in case of permanent street improvement from providing a different method and manner of constructing curb lines along such proposed improvements.

Section 5 Property Owners to Fill Between Curbs and Walks

It shall be the duty of all property owners to fill in the space between the curb and sidewalk in front of their property and to the curb lines of the street at the intersection with earth to a level and grade with the curb and sidewalk. No shade trees of any kind, nature or description shall hereafter be planted in any portion of any street in the City of Garibaldi, Oregon. All water mains shall be located in the utility strip between sidewalk and curb unless otherwise ordered by the Common Council and shall be to a depth of twenty-four (24) inches, minimum.

Section 6 Care of Walks to be Enforced

It shall be the duty of the Street Commissioner of the City of Garibaldi, Oregon, to require all persons maintaining sidewalks along their property to keep the same clean and in good repair, and in case any sidewalk shall be out of repair or unsafe, it shall be the duty of any policeman, under the direction of the Street Commissioner, to serve notice immediately on the owner or owners of such property along which such sidewalk or curb shall be constructed in the manner provided herein in Section 1 to repair or clean the same as conditions may require and each property owner shall be liable for the full cost of the repair or cleaning of the sidewalk along the property where the same shall be constructed;

and upon the refusal or neglect of any property owner to repair or clean his sidewalk within ten (10) days from the service of the notice upon him, if a non-resident of the city, the street commissioner shall proceed to repair or to clean such sidewalk as the case may be, and report the expense thereof to the Council at the next meeting following which expenses shall, unless paid for by the owner thereof, be made a lien upon the property as in the case of construction of new sidewalks; The policeman serving such notice shall make an affidavit of service within five (5) days thereafter and file the same in the office of the City Recorder.

Section 7

Serving of Notice

If such sidewalk is to be constructed at the expense of the abutting and adjacent property, notice containing the substance of the ordinance provided for in Section 1, hereof, shall be personally served by a policeman of the City of Garibaldi, Oregon, on such owner of property required to construct such sidewalk, if such property owner is a resident of or can be found in the City of Garibaldi, Oregon, provided that if such property owner resides out of the city or if is a resident owner he cannot with reasonable diligence on the part of the policeman serving notice be found therein, a notice containing the substance of this ordinance shall be posted in a conspicuous place upon said adjacent and abutting property or at some point adjacent to and in plain sight of the location of the proposed walk for a period of ten (10) days. If the address of such non-resident owner of the abutting or adjacent property is known or can be with reasonable diligence on the part of the policeman serving the notice be ascertained a copy of such notice shall be mailed, postage prepaid, to the non-resident owner and such posting and mailing of notice shall be deemed equivalent to personal service.

Section 8 Protecting and Indemnifying City of Garibaldi

It shall be the duty of any property owner who under the terms of this ordinance constructs or attempts to construct, repairs or attempts to repair, any sidewalk in the City of Garibaldi, to at all times during said construction or repair, provide and maintain proper and sufficient barricading of the area of the construction or the repair being carried on; It shall be the further duty of such person or persons to fully indemnify and to hold the City of Garibaldi harmless from all damages arising from an injury to the person or another and all damages arising from the damage of the property of another arising by reason of such construction or repair of any sidewalk in the City of Garibaldi.

Section 9 Emergency Clause

That inasmuch as there are many sidewalks in the City of Garibaldi in need of repair and many places in the City of Garibaldi where such sidewalks should be constructed and the ordinances providing for the construction of sidewalks are inadequate, an emergency is hereby declared to exist and it is declared to be for the preservation of peace, health and safety of Garibaldi that this ordinance become effective immediately upon its passing by the Common Council of the City of Garibaldi and approved by the Mayor.

Passed and adopted by the
Common Council this 24th day
of February, 1958

Approved by the Mayor this 24th
day of February, 1958

City Recorder

Mayor