

ORDINANCE NO. 770

AN ORDINANCE ESTABLISHING PROCEDURES AND REQUIREMENTS FOR
SIDEWALK AND CURB CUT INSTALLATION AND REPAIR AND REPEALING
ORDINANCES NO. 763.

The Town of Lakeview ordains as follows:

Section 1. Definitions: For the purpose of this Ordinance, the following definitions shall apply:

- (a) Town - means the Town of Lakeview, Oregon.
- (b) Town Council - means the elected governing body of the Town.
- (c) Within the Town - means all land and territory over which the Town now has or acquires jurisdiction of in the future for the exercise of its powers.
- (d) Property Owner - means the owner of any real property located within the Town, whether a fee owner, contract seller or purchaser, mortgagee or mortgagor, or trust deed grantor or beneficiary.
- (e) Sidewalk - means a concrete pathway established for pedestrian traffic along property boundaries adjacent to streets and includes all driveway approaches.
- (f) Curb Cut - means that portion of a concrete curb that is constructed and designed for the purpose of allowing motor vehicles to travel over and across the curb.
- (g) Person - means any individual, corporation, association, firm, partnership or similar entity.
- (h) Certified Concrete Supplier - a supplier of concrete

operating within the Town of Lakeview whose mix design for concrete complies with the requirements of the American Society of Testing and Materials fixed designation C 94 and which mix design has been submitted to and approved by the Town or its designee.

Section 2. Sidewalk Construction: It shall be the duty of all property owners who own real property adjoining any street located within the Town to construct sidewalks along the sides of the real property which abut a street.

Section 3. Sidewalk Repair and Maintenance: It shall be the duty of all property owners who own real property adjoining any street located within the Town to repair and maintain all sidewalks located along the sides of said real property which abut a street to the extent that said sidewalks remain in a good state of repair and provide a safe thoroughfare for pedestrian traffic.

Section 4. Mandatory Sidewalk Construction: No building permit shall be issued to any person for new construction or for the repair, improvement or remodeling of any existing property or structure where the cost of such construction, repair, improvement or remodeling exceeds the sum of \$10,000 without including within the permit a requirement that the provisions of this Ordinance be complied with. Such construction or repair shall be fully completed during the period of construction or remodeling but in no event longer than six months from the date of the issuance of the building permit unless otherwise extended pursuant to Section 16 below.

Section 5. Sidewalk Construction and Repair Specifications:

Unless otherwise allowed or permitted pursuant to Section 16 below, all sidewalks constructed within the Town of Lakeview shall be a minimum of five feet in width, and all such sidewalks shall be constructed and/or repaired in compliance with the minimum construction and repair specifications as are set forth on attached Exhibit "A" to this Ordinance which, by this reference, is incorporated herein.

Any repair or restoration procedure to a sidewalk that does not involve the removing and replacing of the sidewalk, or a portion thereof, shall be approved in advance by the Town.

Section 6. Location of Sidewalks: Unless otherwise provided pursuant to Section 16 below, all residential sidewalks shall be located with a parking strip between the sidewalk and curb line as depicted on attached Exhibit "A", and all sidewalks adjoining business property, shall extend from the property line to the curb line of the adjoining street. Business properties, as used in this Ordinance, shall mean any property located within a commercial or industrial zone that is used totally or partially for providing products or services to the public.

Section 7. Permit, Testing and Inspection Process: Unless otherwise provided by Section 16 below, before any person constructs a new sidewalk or repairs an existing sidewalk, a permit for the same shall be obtained from the Town with a permit fee, as established by the Town Council, being paid for the same.

Prior to or simultaneously with the pouring of any concrete

for sidewalk construction or repair, the owner, or the owner's contractor, will either produce a batch ticket from a certified concrete supplier or, if no batch ticket is available from a certified concrete supplier, the concrete shall be tested by the Town or its designee to insure compliance with the specifications as set forth on Exhibit "A". In the event a test is required, then the property owner, in addition to the permit fee, shall also pay an inspection fee in an amount as established by the Town Council.

Section 8. Town of Lakeview Construction and Repair Responsibility: The Town shall be responsible for the construction, repair and maintenance of all sidewalk corners or alley entrances adjoining dedicated alleys or streets without cost or any apportionment thereof to the adjoining property owners. However, nothing herein contained shall be construed as requiring the Town to undertake such construction, repair or maintenance unless so determined by the Town Council in its sole and exclusive discretion.

Section 9. Curb Cut Construction: It shall be the duty of all property owners who own real property adjoining any street located within the Town to construct curb cuts along curbs which run adjacent to any street at any location where motor vehicles will be required to travel over or across a curb.

Section 10. Curb Cut Repair and Maintenance: It shall be the duty of all property owners who own real property abutting any curb cut to repair and maintain the same to the extent that all curb cuts are maintained in a good state of repair.

Section 11. Curb Cut Construction and Repair Specifications:

All curb cuts shall be constructed and repaired by a contractor licensed with the Construction Contractors Board of the State of Oregon or its successor entity, and shall also be constructed or repaired with concrete supplied by a certified concrete supplier and in conformance with the minimum construction and repair specifications as set forth on attached Exhibit "A" to this Ordinance.

In commercially zoned or commercially used property, curb cuts shall not exceed the following widths, measured along the bottom of the depressed curb:

<u>Property Frontage</u>	<u>Curb Cut Width</u>
Under 50 feet	20 feet
50 to 75 feet	25 feet
Over 75 feet	30 to 35 feet

If more than one curb cut is desired for frontage up to 100 feet, the maximum width of the curb cut shall be 25 feet, with not more than two such curb cuts being permitted within such frontage. For any frontage in excess of 100 feet, each additional foot or fraction thereof of frontage shall be considered as separate frontage.

Residential curb cuts shall be a minimum width of 12 feet or the width of the garage opening plus 4 feet and a maximum width of 18 feet or the width of the garage opening plus 4 feet.

Section 12. Curb Cut Permit: Before any person constructs a curb cut or repairs an existing curb cut, a permit for the same shall be obtained from the Town with a permit fee, as established

by the Town Council, being paid for the same.

Section 13. Failure to Construct, Maintain or Repair Sidewalks or Curb Cuts: If any property owner fails to construct any sidewalk or curb cut as herein required, or fails to repair or maintain a sidewalk or curb cut as herein required, then the Town Council shall notify such property owner, via certified mail, of the property owner's non compliance with the provisions hereof. Such mailing shall include a copy of this Ordinance and require the property owner to obtain a permit and to commence and complete the construction or repair within 60 days after receipt of such mailing or within such other period of time as the Town Council determines.

If the property owner fails, neglects or refuses to construct such sidewalk or curb cut or to make such repairs within the time period extended, then the Town may undertake the construction or repair and keep an account of the cost thereof. Said account shall include labor and materials and a 10% surcharge for administrative services. As an alternative thereto, the Town in its discretion, may contract with independent third parties to undertake the construction or repair. The cost thereof, together with the 10% surcharge, shall be deemed to be the construction cost.

Section 14. Assessment for Construction, Repairs and Maintenance Incurred by Town of Lakeview: If the Town, pursuant to Section 13 above, is required to construct, repair or maintain any sidewalk or curb cut when a property owner refuses to accomplish the same, then the cost of such construction, repair or maintenance as established by Section 13 above, together with the surcharge, shall be billed

to the property owner via certified mail. If the property owner refuses to pay the same, or if the same is not paid within 180 days of billing, then the unpaid amount, together with interest thereon at the rate of 9% per annum accruing from the billing date, may be certified as an assessment or property improvement lien and recorded in the Lien Records of Lake County, Oregon continuing to accrue interest until paid.

Section 15. Liability of Property Owners: The property owner shall be liable to any person suffering injury by reason of a failure to construct a sidewalk or curb cut, or by reason of the failure to repair or maintain any sidewalk or curb cut as required by the provisions of this Ordinance.

If, in the curb cut construction or repair process, any public street is damaged, then the property owner shall be responsible for the cost of repairing the same.

In the event the property owner contracts with a third party for sidewalk construction or repair, irrespective thereof, the property owner shall remain the responsible person for compliance with the provisions of this Ordinance.

This allocation of liability is also intended to include property owner indemnification of the Town for injuries or losses sustained as a result of non compliance with the provisions hereof.

Section 16. Waiver or Modification: The Town Council reserves the right to waive compliance with or modify the provisions hereof based upon special or peculiar circumstances. Such special or peculiar circumstances shall not include the cost of installation

or repair and any such waiver shall not be construed as to establish a precedent for future waivers.

Section 17. Penalty: Any person violating any of the provisions of this Ordinance, and in lieu of or together with the lien rights established pursuant to Section 14 above, shall be subject to a fine of not less than \$50.00 nor more than \$500.00 for a violation hereof.


Additionally, and in addition to any assessed fines or lien rights, the Town shall be entitled to issue stop work orders or seek other injunctive relief as the Town Council so determines.

Section 18. Repeal of Existing Ordinances: As a result of the enactment of this Ordinance, existing Ordinance No. 763 and the terms and provisions thereof, are hereby repealed in their entirety.

Section 19. Emergency Declared: Whereas, it is necessary that this Ordinance take effect immediately and that sidewalk and curb cut construction, repair, maintenance and replacement are necessary for the peace, health and safety of the residents of the Town now, therefore, an emergency is hereby declared to exist, and this Ordinance shall be effective immediately upon its passage.

A motion was made to read this ordinance by title only and such motion passed unanimously, the ordinance was then read by title only, and adopted unanimously.

DATED this 29 day of September, 1998.



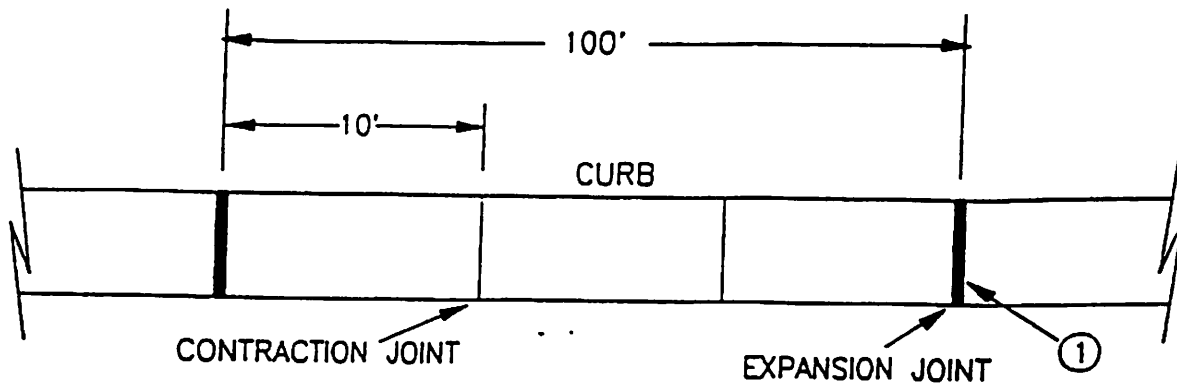
Orval R. Layton, Mayor

ATTEST:

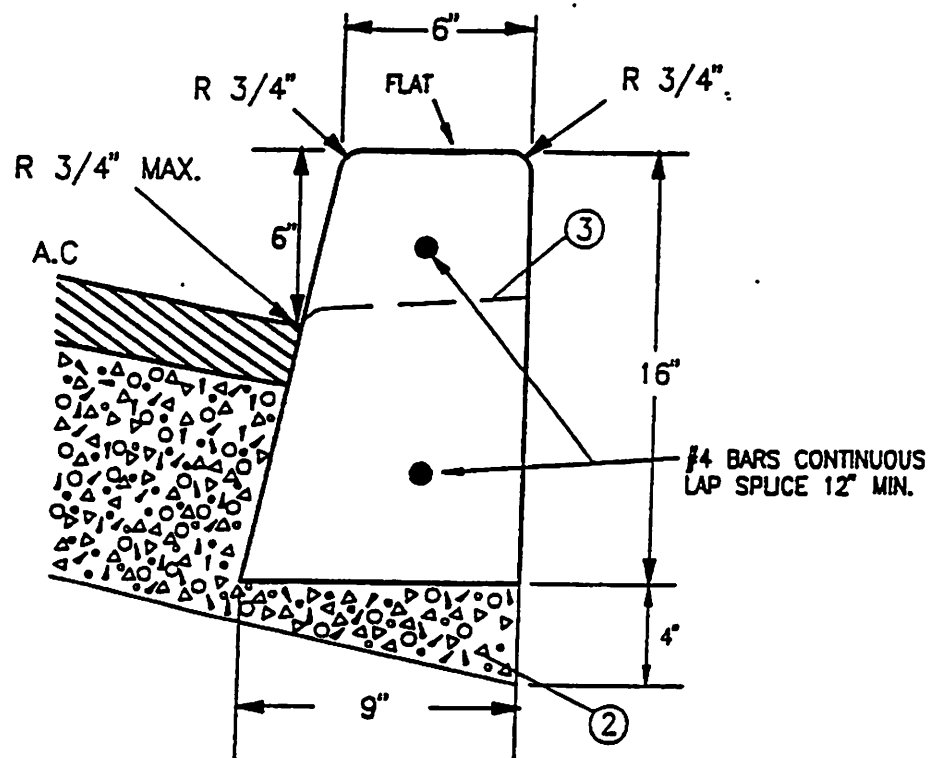


B. Ann Price, Town Recorder

C:WP51/CINDY/TOWN/ORDINANC/SIDEWALK.2



EXPANSION & CONTRACTION JOINTS



16" CITY STANDARD CURB FOR ALL STREETS

NOTES:

CONCRETE SHALL BE CLASS 3000 (SIX SACK MIX) AND CONTAIN NO ADDITIVES TO CAUSE RAPID SETTING, 5% - 7% AIR ENTRAINMENT REQUIRED.

1. EXPANSION JOINTS REQUIRED AT:

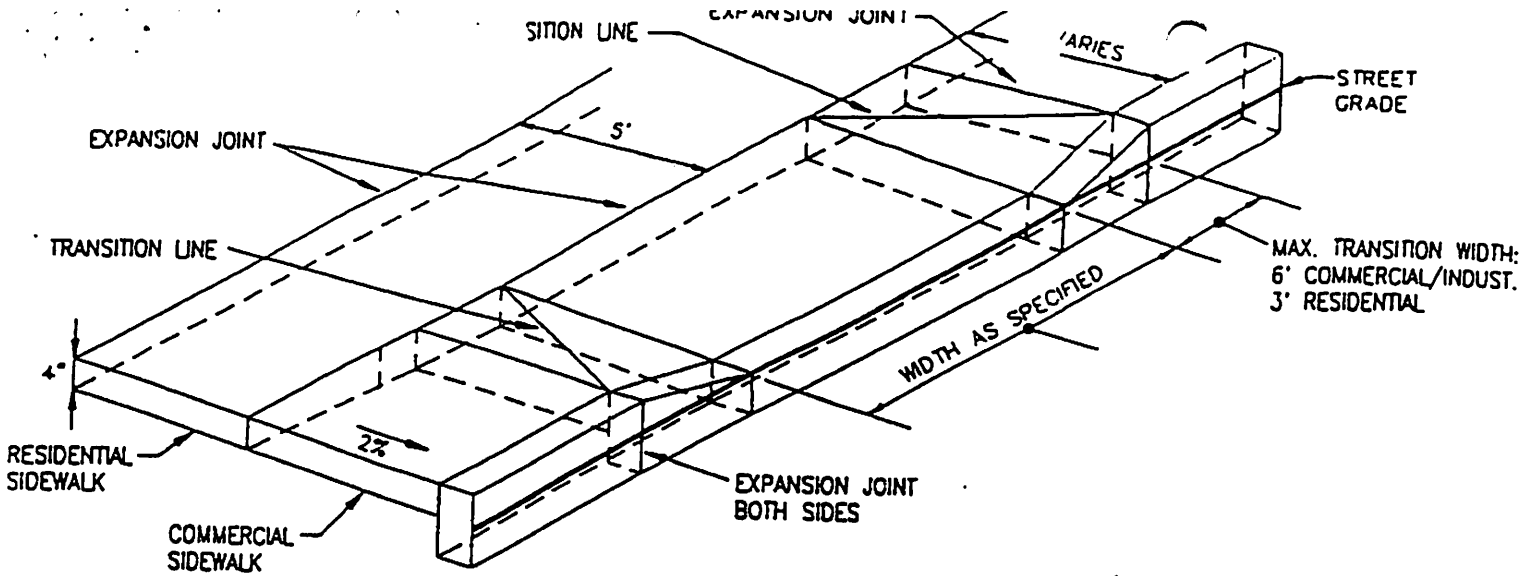
- A. END OF CURB RADIUS
- B. DRIVEWAY APRONS
- C. POINTS OF CURVATURE
- D. MAXIMUM SPACING OF 100'

2. BASE ROCK UNDER CURB SHALL BE 4" MINIMUM THICKNESS OF APPROVED 3/4"-0" ROCK.

3. SLOPE DRIVEWAY TOWARD STREET. 3/4" MAXIMUM LIP AT GUTTER.

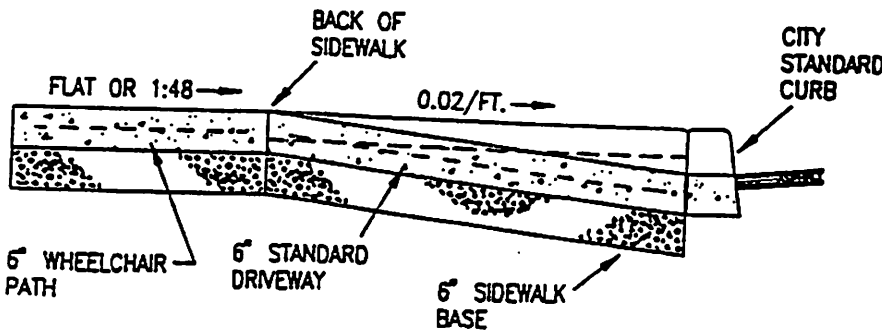
4. MEDIUM BROOM FINISH REQUIRED.

5. ALL WATER & SEWER SERVICE LOCATIONS MUST BE MARKED ON THE FACE OF CURB USING A STAMPED IMPRESSION OF "W" OR "S". (WHEN NEW CONSTRUCTION)

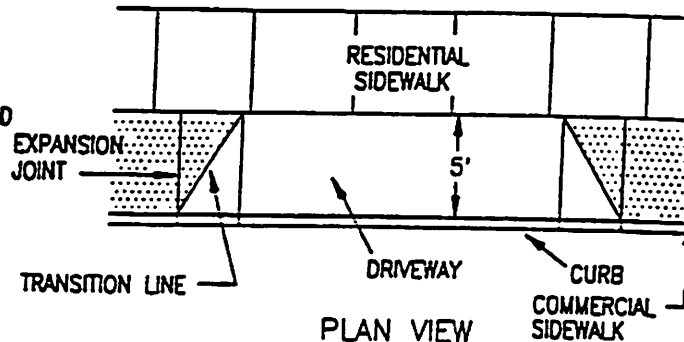


TYPICAL DRIVEWAY / DROP CURB FOR RESIDENTIAL & COMMERCIAL SIDEWALKS

N.T.S.



TYPICAL DRIVEWAY SECTION

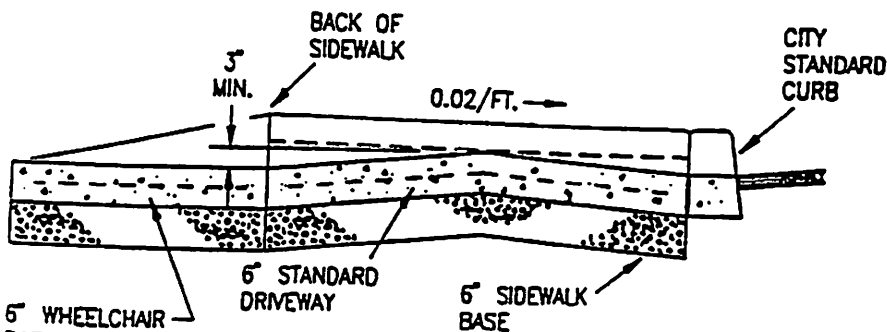


PLAN VIEW

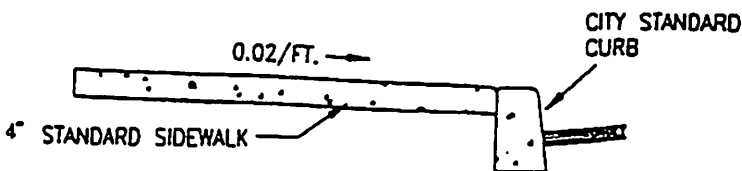
N.T.S.

NOTES:

1. COMPACT BACKFILL UNDER SIDEWALK & DRIVEWAY TO 95% OF RELATIVE MAXIMUM DENSITY (AASHTO T-99) TO 6" THICK MIN.
2. CONCRETE SHALL BE 6.0 SACK, CLASS 3000 AND CONTAIN NO ADDITIVES TO CAUSE RAPID SETTING. 4% - 7% ENTRAINED AIR REQUIRED. PROTECT FROM ADVERSE WEATHER FOR 7 DAYS MIN.
3. MEDIUM TRANSVERSE BROOM FINISH REQUIRED ON SIDEWALKS AND DRIVEWAYS.
4. FULL EXPANSION JOINTS AT ENDS OF DRIVEWAY. CONTRACTION JOINTS AT CENTER OF DRIVEWAY AND 5' CENTERS ALONG SIDEWALK.
5. MAINTAIN CONSTANT GRADE AT BACK EDGE THROUGH DRIVEWAYS WHENEVER POSSIBLE.
6. INSTALL NO. 4 REBAR @ 16" O.C. EACH WAY IN COMMERCIAL AND INDUSTRIAL DRIVEWAYS
7. DRIVEWAY APRONS ARE REQUIRED AN ALL NEW CONSTRUCTION.

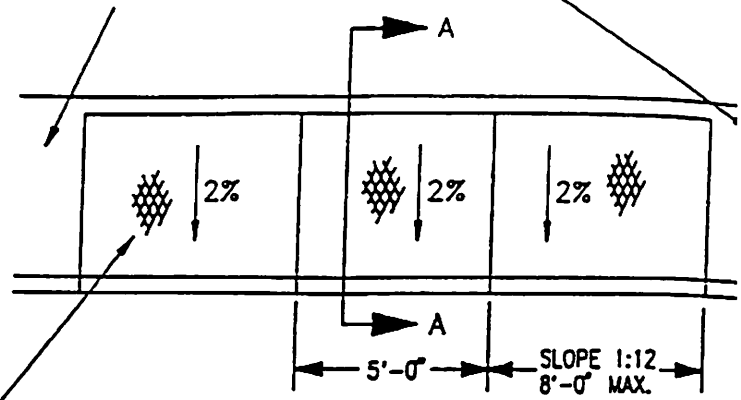
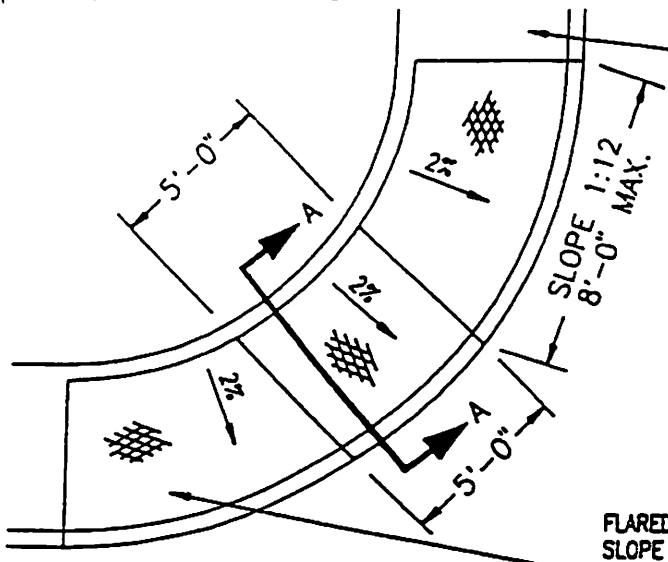


TYPICAL DROP DRIVEWAY SECTION



TYPICAL COMMERCIAL SIDEWALK SECTION

5' MIN. SIDEWALK LENGTH REQ'D BETWEEN TOP OF RAMP AND ADJACENT DRIVEWAY OR CURB RAMP

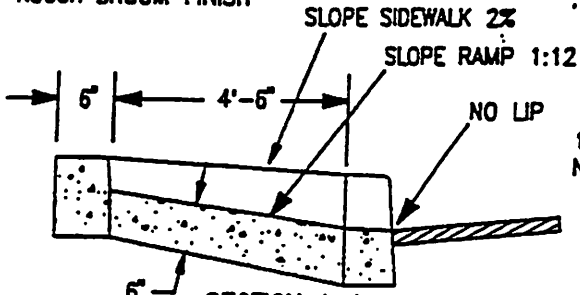


PARALLEL RAMP ON TANGENT

PARALLEL RAMP ON CURB RADIUS CENTER

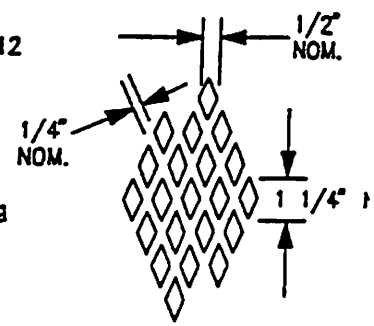
A RAMP-ON-RADIUS WILL BE PERMITTED ONLY AT INTERSECTIONS OF LOCAL TO LOCAL STREETS. ALL HIGHER CLASSIFICATION INTERSECTIONS SHALL HAVE TWO CURB RAMP, EACH CENTERED ON THE RP OF THE CURB RADIUS, UNLESS OTHERWISE SPECIFIED. CATCH BASIN GRATE NOT TO BE LOCATED AT THE BOTTOM OF THE RAMP, OTHERWISE SPECIAL GRATES SHALL BE REQUIRED.

FLARED SIDE
SLOPE 1:12 (TYP.)
ROUGH BROOM FINISH

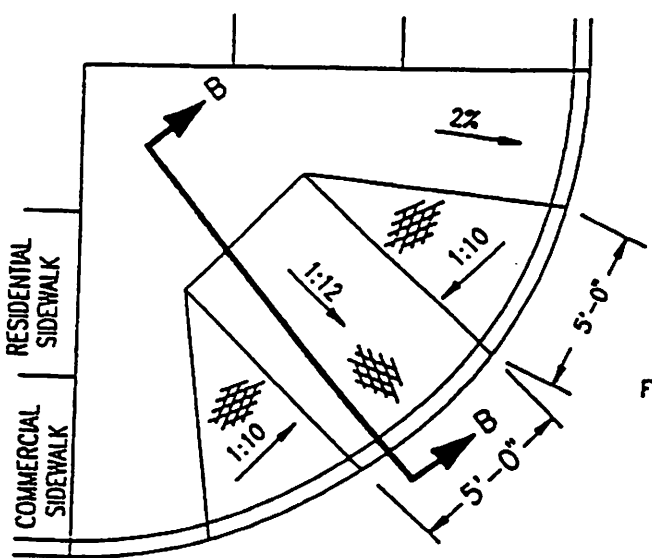


SECTION A-A

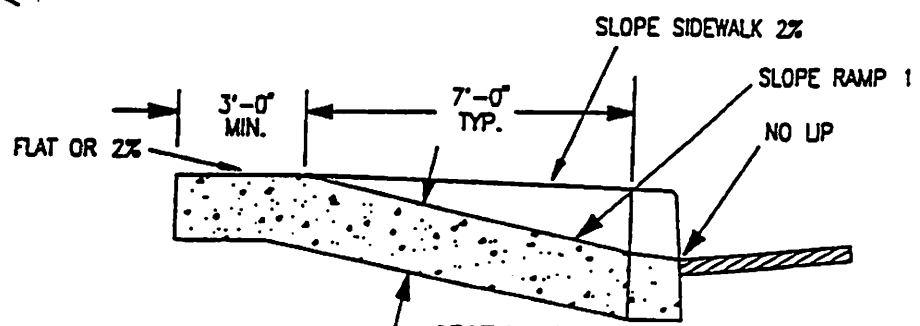
PAVERS MAY BE USED IN LIEU OF TEXTURED CONCRETE



RAMP TEXTURE DETAIL



PERPENDICULAR RAMP

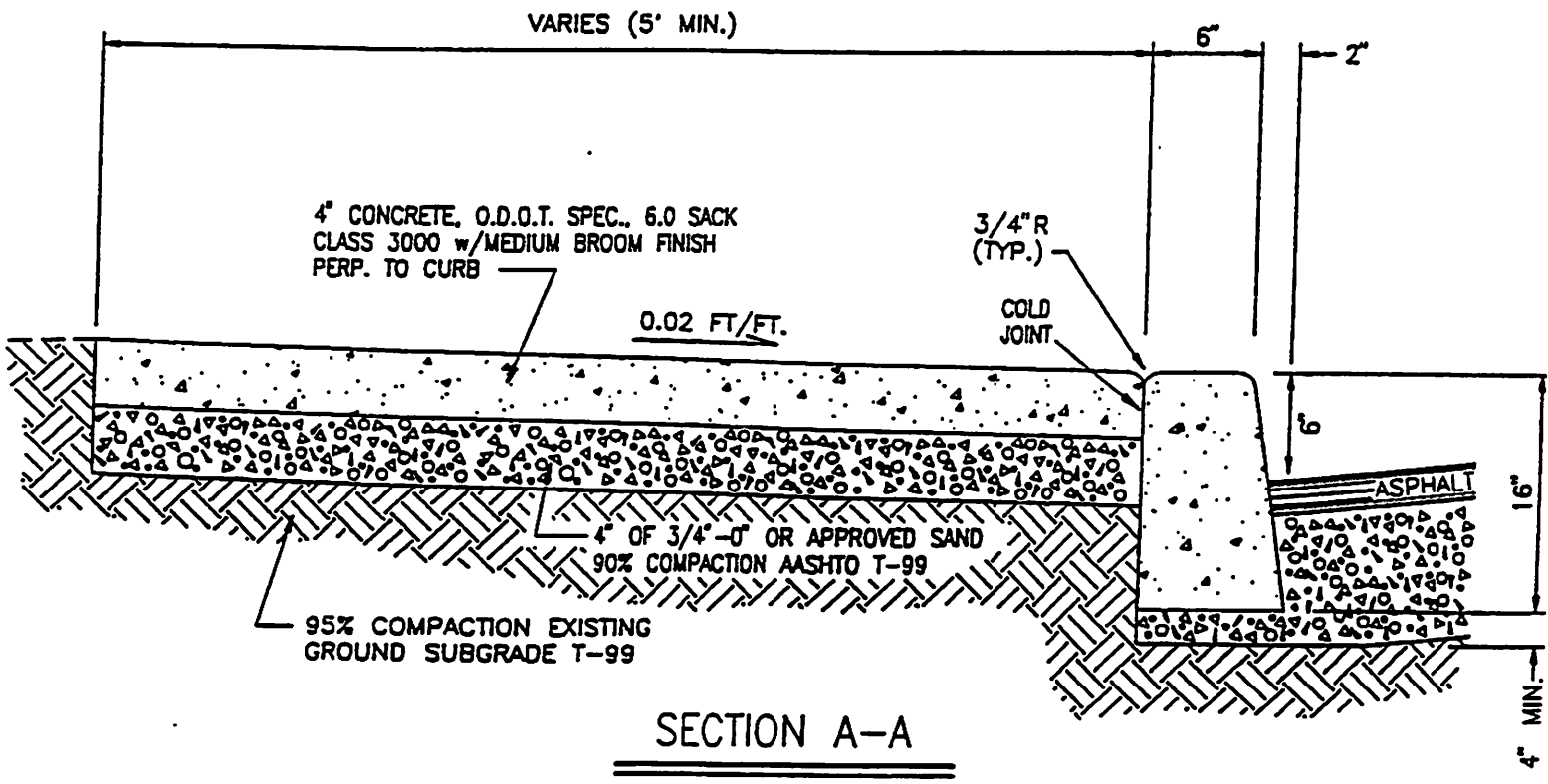
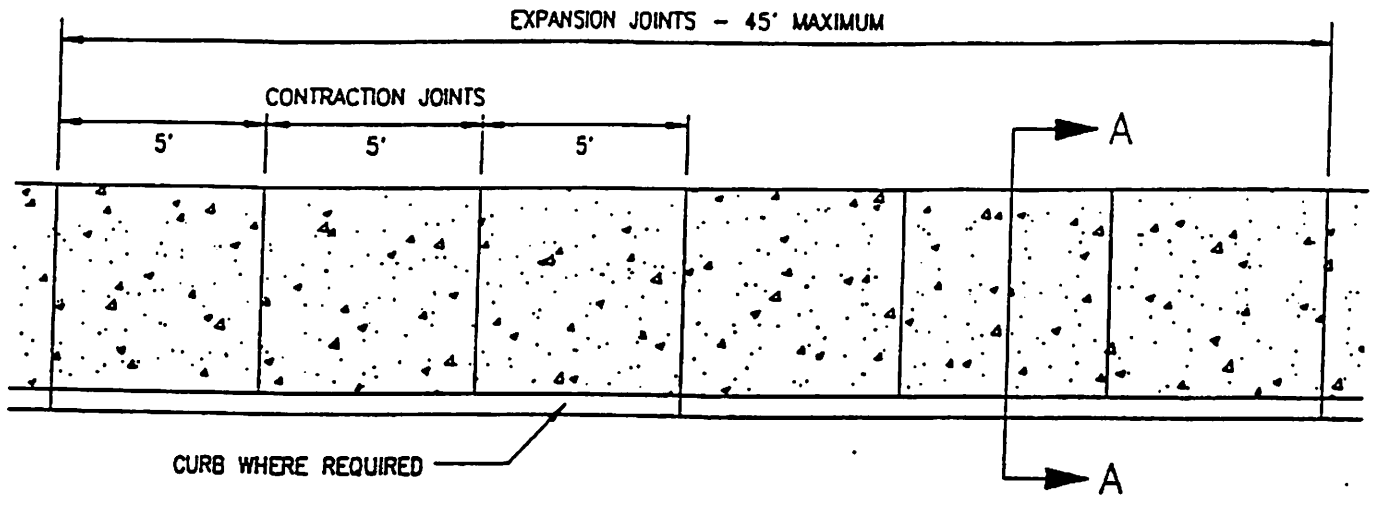


SECTION B-B

PAVERS MAY BE USED IN LIEU OF TEXTURED CONCRETE

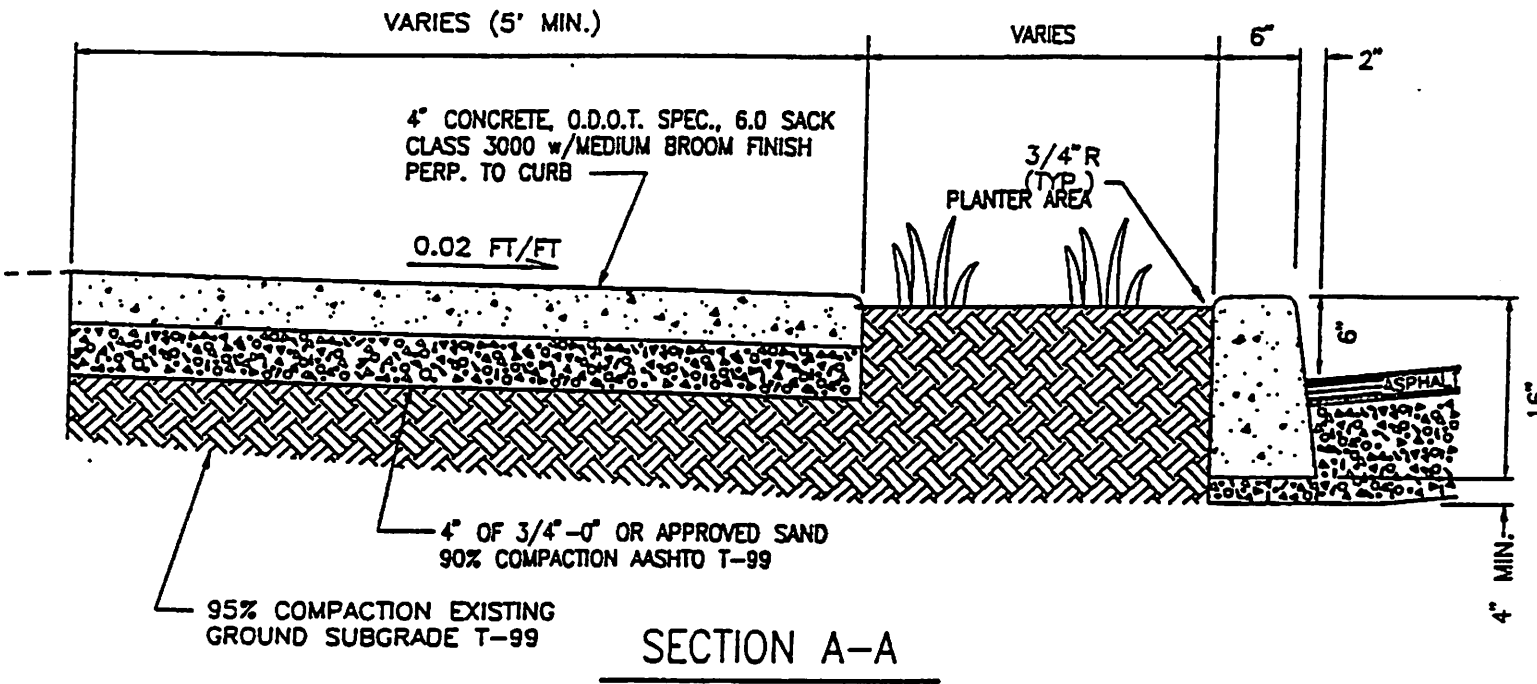
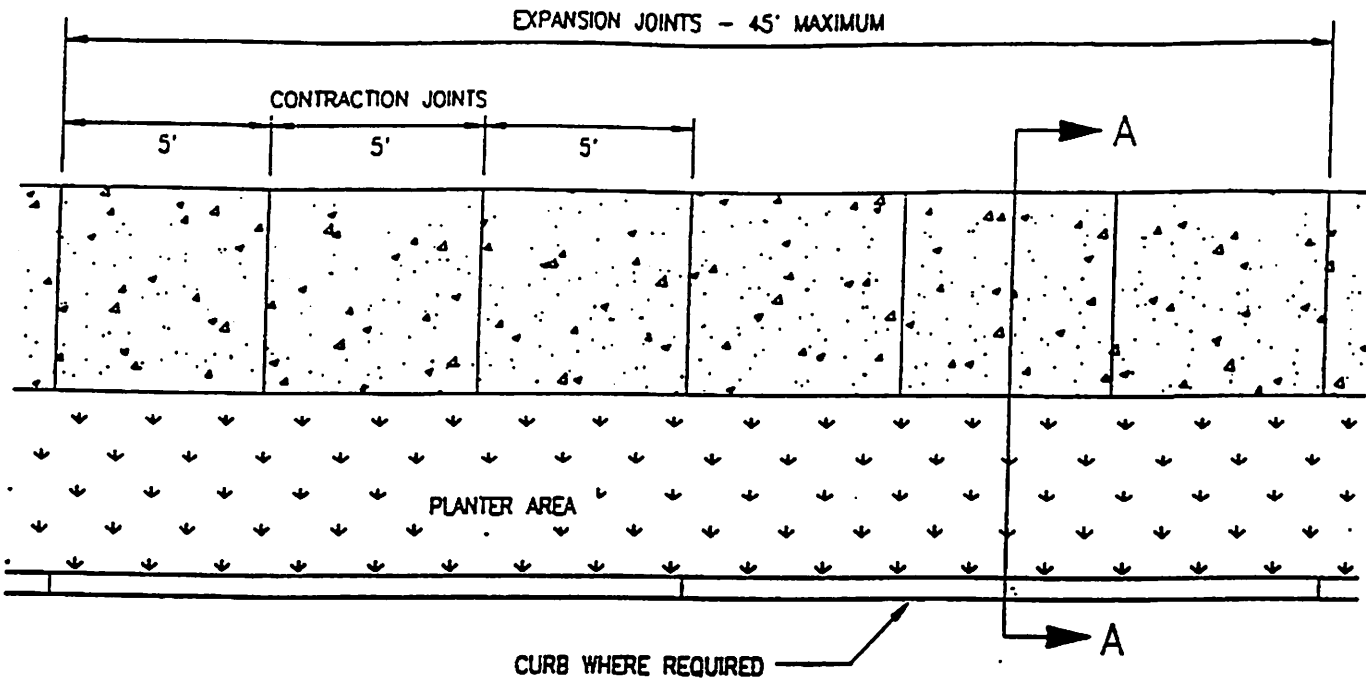
NOTES:

1. RAMP TEXTURING IS TO BE DONE WITH AN EXPANDED METAL GRATE PLACED AND REMOVED FROM WET CONCRETE TO LEAVE A DIAMOND PATTERN AS SHOWN (SEE RAMP TEXTURE DETAIL). THE LONG AXIS OF THE DIAMOND PATTERN SHALL BE PERPENDICULAR TO THE CURB. GROOVES SHALL BE 1/8" DEEP AND 1/4" WIDE.
2. BACK EDGE OF RAMP IMPROVEMENT TO BE AT THE SAME PROFILE AND GRADE AS THE CONTINUATION OF THE BACK EDGE OF THE SIDEWALK THROUGH THE RAMP AREA.
3. RAMPS FOR BIKEWAYS TO BE FULL WIDTH OF BIKEWAY WHEN APPROACHING BIKEWAY IS PERPENDICULAR TO THE CURB AND A MINIMUM OF 8 FEET WHEN THE APPROACHING BIKEWAY IS PARALLEL AND ADJACENT TO CURB.
4. SIDEWALK RAMP SLOPES MAY BE REDUCED TO 1:8 WHEN MODIFYING EXISTING FACILITIES.



STANDARD CONCRETE CURB & SIDEWALK

NOT TO SCALE

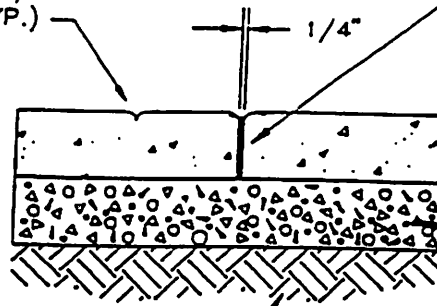


STANDARD CONCRETE CURB & SIDEWALK

NOT TO SCALE

CONTROL JOINT w/
3/4" RADIUS (TYP.)

CONSTRUCTION/EXPANSION
JOINT w/PREMOLDED FILLER



4" CONCRETE, O.D.O.T. SPEC.,
6.0 SACK CLASS 3000 w/MED. BROOM
FINISH PERP. TO CURB

4", 1"-0 SIDEWALK BASE,
90% COMPACTION AASHTO T-99

95% COMPACTION EXISTING
GROUND SUBGRADE, AASHTO T-99

CONCRETE JOINT

NOT TO SCALE

GENERAL SPECIFICATIONS

- 1.) CONCRETE: 3000 PSI @ 28 DAYS-SIX SAC MIX
- 2.) MEDIUM BROOMED FINISH, MARKED LONGITUDINALLY AT 5' INTERVALS
- 3.) 1/2" APPROVED EXPANSION JOINT FILLER TO BE PLACED AT EACH SIDE OF APPROACHES AND AT INTERVALS NOT TO EXCEED 20' THROUGHOUT.
- 4.) ALL CONCRETE WILL BE FINISHED WITH APPROVED SEALER.
- 5.) CURING SHALL BE BY AN APPROVED METHOD.
MEASURES SHALL BE TAKEN TO PROTECT THE CONCRETE FROM COLD OR HOT WEATHER AS DIRECTED BY THE TOWN. CONCRETE WILL NOT BE PLACED ON FROZEN GROUND.
- 6.) CONTRACTOR WILL GUARANTEE ALL WORK TO OWNER FOR A PERIOD OF ONE (1) YEAR FROM DATE OF FINAL INSPECTION.
- 7.) ALL REVISIONS OR ALTERATIONS WILL BE SUBJECT TO APPROVAL BY THE TOWN OF LAKEVIEW.
- 8.) CONCRETE WILL BE PLACED AT A MAXIMUM SLUMP OF 5 INCHES.
FLOATING SHALL BE DONE WITH WOOD OR MAGNESIUM FLOATS.
- 9.) STEEL TROWELS SHALL NOT BE USED FOR GENERAL FINISHING OF THE CONCRETE.
APPLY A MEDIUM BROOM FINISH TO PROVIDE A SKID RESISTANT SURFACE.

SIDEWALK OR DRIVEWAY APPROACH PERMIT

TOWN OF LAKEVIEW

By Direction of the Common Council and upon payment of a \$40.00 inspection fee, permission is hereby granted to:

Name: _____

Address: _____

Phone No: _____ Alternate Ph. No: _____

to construct /repair a Sidewalk Driveway Approach

at Construction Address: _____

READ THIS:

On receipt of this permit, you are hereby notified the Town is to be given 24 HOUR NOTICE PRIOR TO ANY CONSTRUCTION OR PLACEMENT OF CONCRETE so forms and concrete can be inspected for grade and conformance with Town Requirements and Ordinances.

FAILURE TO DO SO COULD RESULT IN LEGAL ACTION.

Company/Person doing work: _____

Inspections will be as follows:

PRE-CONSTRUCTION APPROVAL:

County Building Inspector: _____ Date: _____

DATE FEE PAID AND PERMIT ISSUED: _____

Receipt of this permit, the Sidewalk Specifications, and appropriate Sidewalk Ordinances/information is hereby acknowledged:

Signature of Recipient

REMARKS: _____

Other information and specifications are available at Town Hall
MAKE 2 COPIES OF COMPLETED FORMS: (Recipient and Building Inspector)

ORIGINAL TO TOWN HALL FILE

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE BUILDING INSPECTOR
Lakeview Ordinance No. 538 provides for fines of not less than \$50.00 or more than \$500.00
for violations.