

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 12.04 – ADMINISTRATION OF SIDEWALK RECONSTRUCTION AND REPAIR.

WHEREAS, Milwaukie Municipal Code Chapter 12.04 describes the duties and obligations of the property owner relating to maintenance of sidewalks in front of their land; and

WHEREAS, Milwaukie Municipal Code Section 12.04.020 describes those conditions under which the property owner must take action to repair sidewalks in front of their land; and

WHEREAS, it is in the interest of public health, safety, and welfare to also keep sidewalks in a safe condition by keeping them free of ice, snow, litter, debris or any other condition that creates a risk of harm to person or property.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: Section 12.04.010 is amended to read as follows:

Section 12.04.010 Duty of property owners.

A. It is made the duty and routine obligation of all owners of land adjoining any street in the city to maintain in good repair and safe condition the sidewalks in front of the land.

B. For purposes of this section, a sidewalk shall be deemed not in good repair, if among other things:

1. Panels or pieces of same are displaced more than one-half inch from adjacent panels or pieces; or
2. Entire pieces or panels are absent, or there exist pieces or panels broken into parts smaller than one square foot; or
3. The grade from one piece or panel to the adjacent piece changes by more than one-half inch per foot in any direction; or
4. Handicap access ramps or driveways deviate from the slopes and dimensions included in the standards and specifications set by the city.

This list is not intended to be exclusive.

C. The City Manager, Director of Engineering or a designee 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 upon any street or part thereof, or within any district in the city.

D. To be in safe condition, a sidewalk must be free of ice, snow, litter, debris or any other condition that creates risk of harm to person or property.

Section 2: Milwaukie Municipal Code Section 12.04.060 is revised to read:

Section 12.04.060 Liability of property owner.

The owners of land adjoining any street in the city shall be liable to any person suffering injury by reason of failure to maintain in good repair or safe condition the sidewalk in front of the land. The city disclaims any liability to any person suffering personal injury or property damage by reason of the owner's negligence in failing to maintain a sidewalk abutting the owner's property in good repair and safe condition. Said property owner(s) shall be liable to the city for any amounts which may be paid or incurred by the city by reason of all claims, judgment or settlement, and for all reasonable costs of defense, including investigation costs and attorney fees, by reason of said property owner's failure to satisfy the obligations imposed by this chapter to maintain in good repair and safe condition the sidewalks in front of the land.

Read for the first time on December 2, 2003 and moved to a second reading by unanimous vote of the City Council.

Read for the second time and adopted by the City Council on December 2, 2003.

Signed by the Mayor on December 2, 2003.


James Bernard, Mayor

ATTEST:

Pat DuVal
Pat DuVal, City Recorder

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Henry Firestone
City Attorney