

ORDINANCE NO. 135.

A Bill for an Ordinance providing for the construction, repair and cleaning of sidewalks in the Town of Stayton, Oregon, at the expense of the property adjacent to and abutting upon such sidewalks; providing for the construction of sidewalks and curbs upon official grades; fixing the dimensions of curbs; establishing curb lines on certain width streets; providing for the method of constructing wooden sidewalks and wooden curbs; repealing Ordinances No. 1, 14 and 43 and declaring an emergency to exist.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. That whenever the Council of the Town of Stayton, Oregon, shall deem it expedient and necessary that any new sidewalk shall be constructed within the Town of Stayton, the Council shall pass a resolution declaring that the construction of such sidewalk is expedient and necessary and describe in said resolution 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 owners of property resident within the town of Stayton, shall be allowed at least ten days and owners of property non-resident in the Town of Stayton, shall be allowed at least twenty days within which to complete the construction of any such sidewalk. Said resolution shall provide that such sidewalk is to be constructed at the expense of the adjacent and abutting property or at the general expense of the Town of Stayton.

Section 2. If such sidewalk is to be constructed at the expense of the abutting and adjacent property, a notice containing the substance of the resolution provided for in Section one hereof, shall be personally served by the Marshal of the Town of Stayton, Oregon, on each owner of property required to construct such walk, if said property owner is a resident of the Town of Stayton, Oregon; provided, if such property owner resides out of the Town, or if a resident owner and cannot with reasonable diligence on the part of the Marshal, be found therein, a notice containing the substance of such resolution shall be posted in a conspicuous place upon said adjacent or abutting property or at some point adjacent to and within plain view of the location of the proposed sidewalk for a period of ten (10) days. If the address of such non-resident owner of abutting or adjacent property is known or can with reasonable diligence on the part of the Marshal be ascertained, a copy of such notice shall be mailed, postage prepaid, to such non-resident owner and such posting and mailing of notice shall be deemed equivalent to personal service.

Section 3. In all cases of failure of any owner or owners of such property to construct such sidewalk according to said resolution, after notice, as herein provided, the council, if the probable cost of the construction of such sidewalk shall exceed the sum of twenty-five (\$25.00) dollars, may advertise by one (1) insertion in a weekly newspaper for bids for the construction of such walk and may cause a contract to be entered into for the construction thereof by the lowest bidder; provided, if the probable cost of the construction of such walk shall be less than twenty-five (\$25.00) dollars, the council may order and direct the same to be constructed by the Street Commissioner by day labor in a summary manner.

Upon the completion of any such sidewalks the Council shall by ordinance, assess upon each lot or parcel of land liable

therefor, its proportionate share of such cost and shall order and direct such assessments to be entered in the docket of Town liens and make the same a lien upon each lot or part thereof, or parcel of land liable for the cost of construction of such walk.

Section 4. Each lot or part thereof, or parcel of land shall be liable for the full cost of the construction of such sidewalk in front of and abutting upon it, extending to the curb lines, and provided further, that if such assessment is not paid after notice thereof, the council may proceed to levy upon such lot or part thereof, or parcel of land, liable for such assessment and cause the lien thereof to be satisfied by execution and sale, in the manner provided by the Charter of the Town of Stayton, Oregon, for the collection of delinquent assessments for the improvement of streets.

Section 5. All sidewalks constructed in the Town of Stayton, Oregon, shall be laid on the official grade, unless specially ordered otherwise by the Council, and all sidewalks shall be laid with a fall toward the curb of one-quarter of an inch to the foot and shall meet the curb flush with the top thereof at all street intersections.

Section 6. Any person or persons desiring to repair sidewalks or construct new sidewalks shall apply for a permit to build, improve or repair same to the Street Commissioner of the Town of Stayton, describing the location, the 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 said Street Commissioner to furnish said applicant, without cost or charge, a written permit to build, improve or repair such sidewalk.

Section 7. All curbs within the Town of Stayton, Oregon, shall conform to the official street grades, and shall be uniform as to material, dimensions and distance from property lines along which they are built. All cement concrete curbs shall be 6 inches wide at top, 8 inches wide at base and 16 inches in depth, unless otherwise ordered by the Council, and all wooden curbs shall be 3 inches in thickness, and 14 inches in depth, unless otherwise ordered by the council, and all curbing of whatsoever kind shall be constructed upon the following lines of distances from the property lines along or in front of which they shall be established as follows, to-wit:

On all streets 60 feet wide, or over, the outer edge of curbing shall be 10 feet from the property line.

On all streets less than 60 feet in width and not less than 40 feet in width, the outer edge of the curbing shall be 8 feet from the property line.

And on all streets less than 40 feet in width, the outer edge of the curbing shall be such distance from the property as the council from time to time shall direct, provided nothing in this section shall be construed to require the curb lines to be altered or changed on streets where the same have been permanently improved at the expense of the adjacent and abutting property, unless by special order from the Council, and providing further that nothing in this section or in this ordinance shall be construed to preclude the Council, in case of permanent street improvement, from providing a different method and manner of constructing curb lines along such proposed improvement.

Section 8. 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 intersections with earth to a level and grade with the curb and sidewalk, and any and all shade trees hereafter set out in any portion of any street in the Town of Stayton, Oregon, shall be placed and set in the parking space between the sidewalk and the curb.

Section 9. It shall be the duty of the Street Commissioner of the Town of Stayton, 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 the Street Commissioner to serve notice immediately on the owner or owners of such property along which such walk or curb shall be constructed 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, after notice by the Street Commissioner, in cases of property owners residing in the city for not less than 10 days, and in case of property owners residing without the city, for not less than 20 days, the Street Commissioner shall proceed to repair or clean such sidewalk as the case may require, and report the expenses thereof to the Council at the next meeting following, which expenses shall, unless paid by the owner thereof, be made a lien upon the property as in the case of construction of new sidewalks.

Section 10. In all portions of the Town of Stayton, not required to construct cement concrete sidewalks, if such walks are constructed of wood, they shall be not less than 6 feet wide, unless by special order of the council, and shall be constructed with not less than 3 stringers, each of which shall be 3 inches thick by 4 inches wide, the two outer stringers to be laid not more than 4 inches from outer edge of the planking covering the same, and the said planking shall not be less than 2 inches in thickness, nor more than 8 inches wide, and shall be thoroughly spiked to said stringers, provided nothing in this section shall be construed as precluding the council from ordering cement concrete sidewalks in any portion of the city where they may deem it necessary.

Section 11. That Ordinances No. 1, 14 and 43 be and the same are hereby repealed.

Section 12. Whereas there are many sidewalks within the Town of Stayton in need of repair, it is the judgment of the Council that an emergency exists, and that this ordinance is necessary for the immediate preservation of the peace, health, and safety of the Town, and that this ordinance shall become immediately operative upon its passage by the Council and approval by the Mayor.

Passed by the Council this 5th day of September, 1916,

Attest W B Grice Recorder.

Approved by the Mayor this 5th day of September, 1916.

W A Beauchamp Mayor.