

## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

#### Chapters:

12.04 Street Construction and Grades

12.08 Street Excavations

12.12 Regulatory Control of Rights-of-Way

12.13 Tree and Landscape Pruning, Removal, and Planting on City Property and Rights-of-Way

12.16 Building Numbering

12.20 Sidewalks

12.24 Parades and Processions

12.28 Establishing the Bandon Watershed Closure Area

Ordinance History No.: 959, 1224, 1338, 1350, 1379, 1434, 1454, 1509, 1527, 1564, 1605, 1658

## Chapter 12.04

### STREET CONSTRUCTION AND GRADES

#### Sections:

- 12.04.010 Definition.
- 12.04.020 Authorization required.
- 12.04.030 Street grade determination required.
- 12.04.040 Street improvements required prior to opening.
- 12.04.060 Application for improvements.
- 12.04.070 Fee schedule.
- 12.04.080 Use of city equipment, labor and/or materials.

#### Ordinance History #1338

##### 12.04.010 Definition.

For purposes of this chapter:

"Street" means the entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular or pedestrian use and includes the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.

##### 12.04.020 Authorization required.

It is unlawful for any person, firm or corporation to open, excavate, fill, rock, pave, grade, repair or otherwise disturb any public street over which the city has jurisdiction without prior authorization of the city, either under this chapter or some other ordinance of the city applicable thereto. It shall likewise be unlawful for any person, firm or corporation to cause such work to be done without said prior authorization.

##### 12.04.030 Street grade determination required.

It is unlawful for any person, firm or corporation to perform, or to authorize or cause to be performed, any street work provided for by this chapter until after the council of the city shall have established the grade for such street. Until a street grade shall have been established by ordinance or by street improvement proceedings, no permit shall be issued for the construction of a building which fronts and abuts such street.

##### 12.04.040 Street improvements required prior to opening.

No public street shall be opened unless it is fully improved with paved surface, curbs, gutters, sidewalk, drainage with all necessary appurtenances, fixtures and utilities in accordance with the standards of Title 16 of this code or as modified by ordinance.

##### 12.04.060 Application for improvements.

The owners of property adjacent to any street or alley within the city, or other interested persons, may make application to the city for a permit to make improvements to such street or alley, subject to the terms of this chapter and such other terms and conditions as may be imposed by the city.

##### 12.04.070 Fee schedule.

The city may establish a fee schedule for the engineering costs or permit associated with the implementation of this chapter.

12.04.080     Use of city equipment, labor and/or materials.

The city administrator may authorize the use of equipment, labor and/or materials of the city for street work proposed to be carried out under Sections 12.04.030, 12.04.040 and 12.04.060, provided that there is first deposited with the city an amount estimated by the city to be sufficient to pay for such use of equipment, labor and/or materials.

## Chapter 12.08

### STREET EXCAVATIONS

#### Sections:

- 12.08.010 Definitions.
- 12.08.020 Public works permit required.
- 12.08.030 Exceptions.
- 12.08.040 Permit application and fee.
- 12.08.050 Permit requirements.
- 12.08.060 Manner of excavating.
- 12.08.070 Inspection of work.
- 12.08.080 Barricades and traffic control.
- 12.08.090 Placement of excavated material.
- 12.08.100 Drainage control.
- 12.08.110 Cleanup.
- 12.08.120 Resurfacing.
- 12.08.130 Urgent work.
- 12.08.140 Emergency work.
- 12.08.150 Noise, dust and nuisance control.
- 12.08.160 Violation--Penalty.

#### Ordinance History #1350

##### 12.08.010 Definitions.

As used in this chapter, terms shall have the following meanings unless the context requires otherwise:

"Excavation" means any digging, scooping, or other method of removing earth materials.

"Person" means a natural person, firm, partnership, corporation, company or other association, acting individually or through an agent or employee.

"Public works director" means the city manager or individual designated by the city manager to administer the provisions of this chapter.

"Right-of-way" means any part of the full dedicated width or length of a public street, alley, place or easement.

##### 12.08.020 Public works permit required.

No person shall make any excavation, tunnel under, or do any other work within a street, alley, or other right-of-way without first securing a public works permit from the city; and without first notifying all public and private utility companies operating within the city and requesting that they mark the location of underground utility lines in accordance with all regulations governing such notifications.

##### 12.08.030 Exceptions.

Work performed by city utilities, including the water department, wastewater department; public works department, and electric department are exempt from the provisions of this chapter. When determined to be in the best interest of the city, telephone companies, cable television companies, natural gas companies, and other private utility companies may be granted exemptions or blanket public works permits for work in city streets, alleys and other rights-of-way.

12.08.040 Permit application and fee.

Applications for public works permits shall be made on forms provided by the city. Fees shall be set by resolution of the city council.

12.08.050 Permit requirements.

- A. Applications shall describe the location of the intended work or excavation, the size thereof, the nature and purpose thereof, the name of the person doing the actual work, and the name of the person for whom the work is being done. The application shall be accompanied by any plans or other attachments as may be required by the public works director.
- B. The application shall contain a provision, and the applicant shall agree in writing thereto, that the applicant will comply with all requirements relating to the work to be done.
- C. The application shall be accompanied by a performance bond or a cash deposit in an amount determined by the public works director to ensure proper restoration of the right-of-way. From this deposit shall be deducted the expense, if any, to the city for clean-up, removal and disposal of unused material and debris, repair of damages, pavement or surface restoration, or any other work necessitated by the excavation or work. The balance, if any, shall be returned to the applicant after the work is completed and the public right-of-way has been restored to the satisfaction of the public works director.
- D. Unless waived by the public works director, the applicant and/or contractor doing the work shall furnish a bond or proof of insurance to indemnify and hold the city harmless and free of any liability arising out of such work.

12.08.060 Manner of excavating.

- A. It is unlawful to make any excavation in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground. The excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.
- B. No injury shall be done to any pipes, cables or conduits in the making of excavations or tunnels; and notice shall be given to the persons maintaining any pipes, cables or conduits, which are or may be endangered or affected by the making of any excavation, before such pipes, cables or conduits shall be disturbed.
- C. No unnecessary damage or injury shall be done to any tree, shrub or vegetation, or roots thereof.
- D. After an excavation is commenced, the permittee shall proceed with diligence and promptly complete the work.

12.08.070 Inspection of work.

All work shall be subject to inspection by the city. The city public works department shall be notified before any work commences, and permittee shall not proceed until authorized at each step of the project.

12.08.080 Barricades and traffic control.

The permittee shall adequately barricade his or her work and shall install sufficient warning lights and signs to protect the public. Where traffic control is required by the public works director, the permittee shall submit a traffic control plan for approval by the city, and shall provide adequate personnel, supplies, materials and equipment to properly control traffic in

accordance with that plan.

12.08.090 Placement of excavated material.

- A. All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the public works director. Whenever necessary, in order to expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins may be required to prevent the spreading of dirt into traffic lanes.
- B. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the public works director shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.
- C. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

12.08.100 Drainage control.

The permittee shall be responsible for undertaking and maintaining all work and excavations in a manner which does not cause flooding or drainage problems in the right-of-way or on adjacent properties. Where the nature of the work so dictates, the public works director may require the submission of a drainage plan as a condition of the public works permit. (

12.08.110 Cleanup.

From time to time as work progresses, or as may be ordered by the public works director, or in any event immediately after completion of the work, the permittee shall thoroughly clean the right-of-way of all rubbish, excess earth, rocks, debris and materials of any kind resulting from such work. All cleanup operations at the location of work shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the public works director. Upon failure to clean up within twenty-four (24) hours after being notified to do so, said cleanup may be done by the city and the cost thereof charged to the permittee.

12.08.120 Resurfacing.

As determined at the discretion of the city, the permit shall specify whether the city or the permittee shall be responsible for backfilling and pavement resurfacing. In the event the city elects to complete such work, payment for that work shall be made by the permittee according to a schedule of costs established by the public works director, which schedule shall be available at City Hall, and which may be revised from time to time. The estimated cost shall be paid in advance, with the difference between the actual cost and the estimate calculated after work is completed and paid to the appropriate party.

12.08.130 Urgent work.

When traffic conditions or the safety or convenience of the public require that the work be performed as emergency work, the public works director shall have the authority to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

12.08.140 Emergency work.

Nothing in this chapter shall be construed to prevent the making of such excavation or work as may be necessary for the preservation of life or property, or for the location of trouble in conduits, lines or pipes, or for making emergency repairs, provided that the person undertaking such work shall apply for a public works permit on the first working day after such work is commenced.

12.08.150     Noise, dust and nuisance control.

Each permittee shall conduct and carry out work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring properties. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the work, noise, dust, debris and other nuisances. Between the hours of six p.m. and seven a.m. the permittee shall not use, except in case of urgent or emergency work as herein otherwise provided, any tool, appliance or equipment producing dust or noise of sufficient volume to disturb the sleep or peace of occupants of neighboring properties.

12.08.160     Violation--Penalty.

Any person violating any of the provisions of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offence; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

## Chapter 12.12

### REGULATORY CONTROL OF RIGHTS-OF-WAY

#### Sections:

- 12.12.010 Definitions.
- 12.12.020 Jurisdiction.
- 12.12.030 Scope of regulatory control.
- 12.12.040 City permission requirement.
- 12.12.050 Obligations of the city.
- 12.12.060 Improvements and activities in public rights-of-way.
- 12.12.070 Acceptance of public rights-of-way.

Ordinance history #1379, 1454, 1509

#### 12.12.010 Definitions.

For the purpose of this chapter, the following mean:

"Activities" means the use of the public right-of-way for events which are limited to specific times, including but not limited to sidewalk sales, outdoor commercial displays, food and merchandise vending, and other special events.

"Permanent improvement" means a fixture or construction in the public right-of-way which is intended to become an integral part of the public infrastructure, including but not limited to streets, sidewalks, walkways, bicycle pathways, improved parking areas, driveway approaches, storm drainage facilities, electric power lines and hardware, street lights, water lines, and sanitary sewer lines.

"Person" means individual, corporation, association, firm, partnership, joint stock company, and similar entities.

"Public rights-of-way" mean and include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

"Temporary improvement" means a fixture or construction in the public right-of-way which is not intended to become an integral part of the public infrastructure, including but not limited to landscaping, fences, signs, canopies, irrigation systems, and private or quasi-private parking areas.

"Within the city" means territory over which the city now has or acquires jurisdiction for the exercise of its powers.

#### 12.12.020 Jurisdiction.

The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the City Charter and state law.

#### 12.12.030 Scope of regulatory control.

The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.



12.12.040 City permission requirement.

No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits. A public works permit shall be requested and secured from the public works supervisor prior to making any permanent improvements in a right-of-way, in accordance with the provisions of Chapter 12.08 of this code. A right-of-way permit shall be requested and secured for any temporary improvements or activities in a right-of-way. Such a permit shall be issued only after approval by the city manager, who shall review the request to ensure conformance with the requirements of this chapter and all other applicable rules and regulations as to whether, in his discretion, the public's safety will be compromised.

Once a right-of-way or public works permit has been issued, it may be recorded with the county clerk if in the city's judgment it is necessary. The property owner shall be responsible for all recording costs.

12.12.050 Obligations of the city.

The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right of way, and does not obligate the city to maintain or repair any part of the right-of-way.

12.12.060 Improvements and activities in public rights-of-way.

- A. Any person planning to dig or excavate in the right-of-way in order to make permanent improvements, temporary improvements, or conduct activities shall first notify the Oregon Utilities Notification Center to ensure that all underground utilities are located and marked prior to undertaking any such digging or excavation.
- B. No improvement or activity will be approved if it does not meet the requirements of the zoning district in which it is located, or any other regulation which may be deemed applicable.
- C. Temporary improvements and activities are the responsibility of the property owner, and the city may, at any time, require the removal or modification of any improvement or activity if deemed necessary by the city. Where deemed necessary by the city, persons may be required to maintain liability insurance on their improvement or activity, in an amount specified by the city, naming the city as an additionally insured party.
- D. For all improvements and activities in the public rights-of-way, a minimum four-foot wide area of sidewalk or walkway space must be kept clear horizontally and eight feet vertically in order to permit adequate and safe pedestrian circulation and passage.

12.12.070 Acceptance of public rights-of-way.

For a right-of-way to be accepted as a city public right-of-way, the city council shall put forth a written order accepting such public right-of-way, whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

## Chapter 12.13

### Tree and Landscape Pruning, Removal, and Planting on City Property and Rights-of-Way

#### Sections

12.13.010	Purpose
12.13.020	Definitions
12.13.030	Authority
12.13.040	Destruction of Trees and/or Landscape
12.13.050	Planting of Trees and/or Landscape
12.13.060	Tree and Landscape Removal, Pruning, Planting Request
12.13.070	Application
12.13.080	Hazard Trees
12.13.090	Planting and Replacement
12.13.100	Maintenance
12.13.110	Appeal Procedure
12.13.120	Penalty

#### Ordinance History #1527, 1564, 1605

##### 12.13.010 Purpose

The purpose of this chapter is to regulate removal, pruning, replacement, and maintenance of trees and landscaping on City property and in public rights-of-way in conjunction with Chapter 12.12 and to encourage proper planting and maintenance within the City.

The requirements of this chapter do not apply to tree removal on private property unless the removal negatively impacts trees on public property as determined by the City.

##### 12.13.020 Definitions

For the purpose of this Ordinance, the following terms, phrases, words and their derivation shall have the meaning given herein:

**Arborist:** a person who has met the criteria for certification from the International Society of Arboriculture or American Society of Consulting Arborist, and maintains his or her accreditation.

**DBH:** diameter at breast height (DBH), which is the diameter of the trunk, at its maximum cross section, measured 48 inches above mean ground level at the base of the trunk.

**Hazard Tree:** a tree that is physically damaged to a degree that is obvious, that it is likely to fall and injure persons or property.

**Landscape:** living plants, excluding grass, weeds, and other ground cover.

**Major Pruning:** the removal of living plant parts in an amount over 20% of the tree's mass within a five year period.

Minor Pruning:	the removal of living plant parts in an amount of 20% or less of the tree's mass within a five year period.
Maintenance Pruning:	includes aesthetic pruning, ivy removal, removal of dead limbs and general care and maintenance.
Noxious Plant:	these plants are weedy, or invasive, or have the potential to become weedy, invasive, or a nuisance.
Nuisance Trees:	A nuisance tree is a tree whose branches or roots extend across a property line and are injurious to health, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of property.
Public Works Permit:	a permit issued by the City of Bandon Public Works Department approving specified work that can be completed within a public right-of-way.
Person:	any individual or legal entity.
Shrub:	A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk; a bush.
Site Verification:	that the Parks and Recreation Commission physically walks and photographs the project to ascertain that the site plans and proposals are as they are presented.
Site Plan/Map:	a clearly drawn picture identifying the species and location of any trees or landscape under consideration of removal, pruning, replacement, or maintenance.
Tree:	any woody plant having a trunk of 4" or larger in diameter at 4' (DBH). If the tree splits into multiple trunks above the ground, but below 4 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than 4" at DBH.
Tree Removal:	The actual removal of a tree four inches or greater in DBH by digging up or cutting down, or the effective removal through damage which causes or may reasonably be expected to cause a tree to die, including but not limited to damage inflicted upon the root system by machinery, storage of materials, and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree allowing infection or infestation; girdling; paving with asphalt, impervious concrete or other impervious material.

#### 12.13.030 Authority

The Parks and Recreation Commission shall have authority to approve or deny any application for tree or landscape removal or planting within the rights-of-way of the City of Bandon and on property owned by the City of Bandon. This shall include trees or landscape where any portion of the trunk or visible roots are located on City property or rights-of-way.

This chapter shall only apply to trees that are greater than 4" in diameter 4' above the ground.

Minor and Maintenance pruning applications shall be approved or denied by City Staff. Staff has the option at any time to refer a request to the Parks and Recreation Commission.

#### 12.13.040 Destruction of Trees and Landscape

No person shall cut down, prune, or maintain any tree or landscape, on City property and in public rights-of-way within the City, except with the approval of the Parks and Recreation Commission or as prescribed in this chapter.

No person shall mutilate, top, destroy, or injure any tree or landscape on City property and in public rights-of-way within the City.

#### 12.13.050 Planting of Trees and/or Landscape

No person shall plant any tree or landscape on City property and in public rights-of-way within the City, except with the approval of the Parks and Recreation Commission or as prescribed in this chapter.

#### 12.13.060 Tree and Landscape Removal, Pruning, and Planting Request

The Parks and Recreation Commission can approve tree and landscape removal, pruning, and planting requests with appropriate and reasonable conditions if the request is applicable to any of the following:

- A. Is physically blocking an existing or proposed pedestrian way, driveway, necessary access, or to open a street.
- B. Removal is necessary for the repair, maintenance, or installation of public or private utilities or facilities.
- C. Has been found by the City of Bandon to present a potential danger to the public.
- D. Is diseased, blighted, or insect infested as determined by a certified arborist or other qualified professional.
- E. Is deemed to be either a nuisance or noxious by the Parks and Recreation Commission.

If permission for removal is granted, the City or its authorized agent shall be responsible for the removal, unless otherwise approved by the City. All costs of removal, cleanup and

replacement shall be borne by the person requesting the removal.

If the Commission deems the City is responsible for removal, cleanup, and replacement, the City shall then be responsible for costs incurred.

#### 12.13.070 Application

Applications shall be submitted in a form specified by the City and shall include at least:

- A. A site plan and/or map that clearly identifies the species and location proposed for removal, planting, or maintenance, and the proposed location and species of any replacement tree(s) and/or landscape. For tree removal the diameter of the tree(s) at 4' above the ground must be noted.
- B. A statement as to how the removal meets the criteria stated in Section 12.13.060 and what design alternatives were considered for the project.

#### 12.13.080 Hazard Trees

The City or its authorized agent may remove or prune any tree without Commission approval if it is found by the City of Bandon to present an imminent danger to the public, public utilities and infrastructure, or to private property

#### 12.13.090 Planting and Replacement

If permission for removal of a tree or landscape is granted, one of the following criteria must be met:

- A. Removed trees shall be replaced at a number approved by the Commission, but no more than a one-for-one basis within one year of removal. Replacement trees shall be at least 1" in diameter at 4' above ground level and of a species suitable for the location as determined by the City and approved by the Commission. Replacements shall be planted in the general vicinity of where the removal took place or at a location approved by the Commission.
- B. The Commission may consider other types of landscape in lieu of trees, but only when a tree is deemed not practical for the site. The type, amount, and arrangement of said landscape shall be clearly illustrated on a plan provided by the applicant and shall be approved by the Commission.
- C. Contribution to a tree and landscape replacement fund in an amount as established by resolution of the City Council.

#### 12.13.100 Maintenance

Trees on City property or rights-of-way shall be maintained by the City or its authorized agents, unless a private property owner makes application to perform maintenance pruning.

#### 12.13.110 Appeal Procedure

A decision of the Parks and Recreation Commission may be appealed to the City Council within 20 calendar days of the date of the decision.

12.13.120 Penalty Violation

If it is determined by the City that there have been negative impacts on public trees or landscape, then the property owner who caused the negative impact shall be responsible for all costs of removing, and cleaning up, mitigating, and/or replacing the affected trees.

These violations could result in prosecution and a \$1500 minimum fine per removed or lethally damaged tree upon conviction. The minimum fine for un-permitted removal of a Monterey Cypress tree in violation of this ordinance shall be \$3000 per tree upon conviction.

## Chapter 12.16

### BUILDING NUMBERING

#### Sections:

- 12.16.010 Baselines for building numbering.
- 12.16.020 Official numbering map.
- 12.16.030 Placement and assignment of numbers.
- 12.16.040 Requirements of building numbers.
- 12.16.050 Fine for failure to number.

#### Ordinance History #1434

##### 12.16.010 Baselines for building numbering.

- A. For streets running easterly and westerly, the baseline for starting said numbering shall be the center of Alabama Avenue from the Coquille River to the center of 2nd Street, thence west to the intersection where Wall Street, 2nd Street and Oregon Avenue meet; thence south along the center of Oregon Avenue to the city limits. Proceeding westerly from this baseline, all buildings on the north side of the street shall be even-numbered and buildings on the south side shall be odd-numbered. Proceeding easterly from this base line, all buildings on the north side of the street shall be numbered odd and all buildings on the south side shall be numbered even.
- B. The baseline delineating the northeastern portion of the city shall be Division Street from the eastern city limits line to Harlem Avenue, thence along the center of Harlem Avenue to Caroline Avenue, thence along Caroline Avenue to Riverside Drive, thence along the city's sewage disposal site to the center of Division Street, and thence along Division Street to its termination at Delaware Avenue. Proceeding northerly from this base line, all buildings on the east side of the street shall be numbered even and all buildings on the west side of the street shall be numbered odd. Proceeding southerly from this baseline, all buildings on the east side of the street shall be numbered odd and buildings on the west side shall be numbered even.
- C. With necessary exceptions due to uneven blocks and blocks that do not match, each block from the baseline shall be given numbers as follows: first block from 1 to 99; 2nd block from 101 to 199; 3rd block from 201 to 299; 4th block from 301 to 399; and continued on to the city limits. Within each block the numbers shall be assigned as nearly equally as possible within the applicable 100 range in relationship to the location of the land within the block.

##### 12.16.020 Official numbering map.

The city recorder shall keep a map entitled "Official Numbering Map of the City of Bandon" showing numbers as assigned to buildings and structures. The map shall be a public record open to inspection.

##### 12.16.030 Placement and assignment of numbers.

Numbers in accordance with the official numbering map of the city shall be placed on each building and structure by the owners and occupants within ninety (90) days after the approval of the ordinance codified in this chapter. Upon issuance of a building permit for a new building, the city recorder shall assign a number to the new structure in accordance with the plan of the official numbering map of the city. The assigned number shall be placed on the new

building within thirty (30) days after its completion.

12.16.040     Requirements of building numbers.

The numbers provided by this chapter shall be at least three inches high and shall be of such color and construction and so placed on the building so as to be clearly visible from the street. In the case of an incorrectly numbered house, or if the number on the house shall become defaced or illegible, it shall be the duty of the owner and/or occupant thereof to correct the number within thirty (30) days after notification to do so by the ordinance enforcement officer.

12.16.050     Fine for failure to number.

Any person, firm or corporation failing to so number any building occupied, and continuing to so number any such building after notice to place a number thereon, shall be fined one dollar (\$1.00) for each day on which a failure to number continues.



## Chapter 12.20

### SIDEWALKS

#### Sections:

- 12.20.010 Definition.
- 12.20.020 Duty to repair and clear sidewalks.
- 12.20.030 Liability for sidewalk injuries.
- 12.20.040 Standards and specifications.
- 12.20.050 Submission of plans.
- 12.20.060 Supervision of work.
- 12.20.070 Required sidewalk repairs.
- 12.20.080 City may make repairs.
- 12.20.090 Assessment for repairs by city.
- 12.20.100 Construction of sidewalks.
- 12.20.110 Violation--Penalty.

#### Ordinance History #959

##### 12.20.010 Definition.

As used in this chapter, unless the context requires otherwise:

"Sidewalk" means the part of the street right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.  
(Editorially amended during 2000 codification.)

##### 12.20.020 Duty to repair and clear sidewalks.

It is the duty of an owner or occupant of land adjoining a street to maintain in good repair, and remove obstructions from, the adjacent sidewalk.

##### 12.20.030 Liability for sidewalk injuries.

- A. The owner of real property responsible for maintaining the adjacent sidewalk shall be primarily liable to any person injured because of any negligence of such owner in failing to maintain the sidewalk in good condition.
- B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty which this section imposes, the person shall compensate the city for the amount of the damages thus paid. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

##### 12.20.040 Standards and specifications.

Sidewalks shall be constructed, altered and repaired in accordance with the standards and specifications established by the city council.

##### 12.20.050 Submission of plans.

No person shall construct, alter or repair a sidewalk without first submitting the plans and specifications for the proposed work to the public works superintendent and obtaining his or her approval. After determining that the proposed work conforms to the applicable standards and specifications established under Section 12.20.040, the public works superintendent shall give his or her approval for the proposed work.

12.20.060 Supervision of work.

The construction, alteration or repair of sidewalks shall be under the supervision of the public works superintendent. The public works superintendent may inspect any materials and construction details as in his or her judgment may be necessary to ensure compliance with the applicable standards and specifications.

12.20.070 Required sidewalk repairs.

- A. When the council determines that a sidewalk needs repair, it shall, by resolution, direct the public works superintendent to issue a notice.
- B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within thirty (30) days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may repair the sidewalk, and the cost of the repair will be assessed against the property adjacent to the sidewalk.
- C. The public works superintendent shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works superintendent shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the recorder a statement stating the time, place and manner of service of notice.

12.20.080 City may make repairs.

If repair of the sidewalk is not completed within thirty (30) days after the service of the notice to repair, the public works superintendent shall repair or complete the repair of the sidewalk. Upon completion of the repair of the sidewalk, the public works superintendent shall submit a report to the council. The report shall contain an itemized statement of the cost of the repair and the proportionate share of the cost on each lot or parcel of land adjacent to the sidewalk upon which the repair has been made.

12.20.090 Assessment for repairs by city.

Upon receipt of the report, the council by ordinance shall assess the cost of repairing the sidewalk against the property adjacent to the repaired sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for the collection of street improvement assessments.

12.20.100 Construction of sidewalks.

- A. The cost of constructing a sidewalk shall be borne by the owner of the property on which the sidewalk abuts.
- B. If a property owner petitions the council for an order to build a sidewalk on the part of the street abutting on his or her property, agrees to pay cash or to make application to pay the cost in installments as provided by the Bancroft Bonding Act (ORS 223.205 to 223.300), waives the right of remonstrance, service and publication of notice of

construction and the calling of bids, and consents to the assessment of the property upon which the sidewalk is to abut, the council may order the construction of the requested improvement, if in its judgment the improvement should be made.

12.20.110     Violation--Penalty.

Violation of this chapter is punishable in accordance with Chapter 1.16.

## Chapter 12.24

### PARADES AND PROCESSIONS

#### Sections:

- 12.24.010 Prohibited activity.
- 12.24.020 Parade permit application.
- 12.24.030 Issuance or denial of permit.
- 12.24.040 Appeal.
- 12.24.050 Parade offenses.
- 12.24.060 Permit revocable.
- 12.24.070 Funeral processions.

#### Ordinance History #1224

##### 12.24.010 Prohibited activity.

No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit. A permit shall be required for a procession using the public right-of-way that consists of ten (10) or more persons or five or more vehicles.

##### 12.24.020 Parade permit application.

- A. Application for a parade permit shall be made to the police department at least fourteen (14) days before the date of the parade unless the time limit is waived by the chief of police.
- B. The application shall be signed by the person designated as chairperson of the parade and shall include the following:
  - 1. The name and address of the person responsible for the parade;
  - 2. The date of the parade;
  - 3. The desired route, including assembling and dispersal points;
  - 4. The number of persons, vehicles and animals that will participate;
  - 5. The proposed starting and ending time.

##### 12.24.030 Issuance or denial of permit.

- A. The police department shall issue a parade permit conditioned on the applicant's written agreement to comply with terms of the permit unless the police department finds that:
  - 1. The time, route and size of the parade will disrupt the movement of other traffic to an unreasonable extent;
  - 2. The parade is of a size or nature that requires the diversion of so great a number of law enforcement officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable law enforcement protection to the jurisdiction;
  - 3. The parade will interfere with another parade or other activity for which a permit has been issued;
  - 4. Information contained in the application is found to be false or a material detail is omitted;
  - 5. The applicant refuses to agree to abide by or comply with all conditions of the permit.
- B. If one or more of the conditions listed in subsection A of this section, other than subsection (A)(5), exists, the police department may include provisions in the permit that

are necessary to alleviate the conditions, including but not limited to:

1. Requiring an alternate date;
  2. Requiring an alternate route;
  3. Restricting the size of the parade.
- C. The police department shall notify the applicant of the decision within five days after receipt of the application.
- D. If the police department proposes alternatives or refuses to issue a permit, the applicant may appeal the decision to the governing body.

12.24.040 Appeal.

- A. An applicant may appeal the decision of the police department by filing a written request of appeal with the city recorder within five days after the police department has proposed alternatives or refused to issue a permit.
- B. The governing body shall schedule a hearing, which shall not be later than the second regular meeting following the filing of the written appeal, and shall notify the applicant of the date and time.

12.24.050 Parade offenses.

- A. No person shall unreasonably interfere with a parade or a parade participant.
- B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons in the parade.

12.24.060 Permit revocable.

The police department may revoke a parade permit if circumstances clearly show that the parade no longer can be conducted consistent with public safety.

12.24.070 Funeral processions.

- A. No permit is required for a funeral procession.
- B. A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.
- C. The procession shall be accompanied by adequate escort vehicles for traffic control.
- D. All motor vehicles in the funeral procession shall be operated with their lights on.
- E. No person shall unreasonably interfere with a funeral procession.
- F. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

## Chapter 12.28

### Sections:

- 12.28.010 Watershed Closure Area.
- 12.28.020 Entry Prohibited.
- 12.28.030 Persons Who May Enter.

Ordinance History: 1658

#### 12.28.010 Watershed Closure Area

The Bandon Watershed Closure Area consists of the following city-owned property: 28S15W29D Parcel 900, 28S15W28 Parcel 2800 The city may add property to the closure area by resolution.

#### 12.28.020 Entry Prohibited

It is unlawful for any person to enter into or be upon land within the Bandon Watershed Closure Area without permission or a valid entry permit.

#### 12.28.030 Person Who May Enter

The following categories of people may enter the Closure Area:

- A. Authorized federal, state, and local government officers and employees thereof acting in an official capacity;
- B. Persons with written permission issued by the City of Bandon.