

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 95: STREETS AND SIDEWALKS AND ADDING NEW SECTIONS 95.05 PRIVATE SIDEWALKS, AND 95.06 CITY SIDEWALKS.

WHEREAS, the City of Seaside is interested in amending the streets and sidewalk Ordinance by recommendation of the Transportation Advisory Commission;

WHEREAS, the City of Seaside has not updated sections of the ordinance since 1923.

WHEREAS, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 95 of the Seaside Code of Ordinance is amended to read:

95.02 CONSTRUCTION OF CITY SIDEWALKS REQUIRED.

- (A) No building permit with a construction value of over \$5,000 shall be granted for the construction, addition, or remodeling of any building unless the required building plans provide for the construction of cement sidewalks on all sides of the property that abut city streets.
- (B) In residential areas, the sidewalk shall be from the right-of-way line to the curb or a minimum width of four feet, whichever is greater. The grade shall be that approved by the City Engineer.
- (C) Deferment of sidewalk construction as required in division (A) can be deferred by the Building Official if all of the following conditions are met:
 - (1) Less than one-half of the required sidewalk on the same side of the block is already constructed.
 - (2) Deferral of the sidewalk construction does not pose a threat to the welfare and safety of the public based upon a review of the pedestrian/vehicular traffic, the width, and condition of the street, and the on-street parking.
 - (3) The area designated for sidewalk is graded and sloped for future sidewalk construction.
 - (4) The property owner agrees to avoid planting trees or building fences, retaining walls, steps, or other impediments to the future sidewalk. The area may be planted and maintained as a lawn.
 - (5) The plans note that a deferment has been requested and granted but that construction may be ordered by the ~~Common~~ City Council at any time.
- (D) Sidewalk construction, which has been deferred according to division (C) may be initiated by resolution of the City Council.
- (E) The City Council may grant an exclusion from sidewalk construction in the case where the topography of the site will make the construction of sidewalks impractical.

95.03 PERMIT REQUIRED FOR CUTTING SIDEWALKS AND STREET PAVEMENT.

- (A) It shall be unlawful for any person to cut any sidewalk or pavement of any street for any purpose without having first obtained a permit from the ~~Superintendent of Streets~~ **Public Works Director** of the city so to do.
- (B) Any person desiring to cut any sidewalk or street pavement within the corporate limits of the city for any purpose whatever shall first procure from the ~~Superintendent of Streets~~ **Public Works Director** a written permit for such purpose; and no such permit shall be granted except upon the written application of the owner or owners of the property affected, conditioned upon the making of the necessary repairs to replace such sidewalk or street in as good condition as same was in when cut was made.

95.04 PERMIT REQUIRED FOR CONSTRUCTING DRIVEWAYS.

- (A) It shall be unlawful to construct and maintain any sidewalk, curb, and/or driveway in or upon any street and intended for use and used by the public, without first securing a permit therefor and paying the permit fee as required by division (D) of this section.
- (B) Any property owner desiring to obtain a permit for the construction or maintenance of a sidewalk and/or curb or driveway to serve his property shall file an application therefor with the ~~City Engineer~~ **Public Works Director**. The application shall be in writing upon a form provided by the city and shall contain information showing type of construction, location, and any other information which may be required by the ~~City Engineer~~ **Public Works Director**. If the ~~City Engineer~~ **Public Works Director** finds that the construction of the sidewalk, curb, and/or driveway will not be a menace to the safety of the city, the ~~City Engineer~~ **Public Works Director** shall approve the application and set forth the fee required. Thereupon, the City Auditor shall collect said fee and issue the permit. When issued, a copy of the permit is to be delivered to the ~~City Engineer~~ **Public Works Director**, who will thereupon cause line and grade stakes to be set and inspect the work during its progress. All construction to be in accordance with plans and specifications on file in the ~~City Engineer's~~ **Public Works Director's** office.
- (C) The sidewalk and curb shall conform to specifications and shall be located as established for various streets. The driveway approaches, measured between the transition areas, shall have the following maximum lengths with due regard for interest and convenience of the public as well as use of the property served by such a driveway approach.

Lot Frontage	Maximum Driveway Approach Length
Up to 50 feet	20 feet
50 to 100 feet	25 feet
75 to 100 feet	35 feet

- (1) Minimum driveway approach length. The minimum length of a driveway approach shall be 12 feet.
- (2) Driveway transition areas.
- (a) The minimum length of driveway transition areas shall be 30 inches.
- (b) The maximum length of driveway transition areas shall be 54 inches.
- (3) Distance from curb returns.
- (a) Intersecting streets. The driveway transition shall normally be permitted no closer than ten feet from the tangent of the curb return.
- (b) Alley. The driveway transition shall be no closer than six feet from the projected intersecting alley curb face or driving lane.
- (4) Distance from utility or safety devices. Driveway approaches shall clear all public facilities such as lighting standards, traffic signal standards, utility poles, fire hydrants, and street trees, by a minimum of three feet. Any relocation of public facilities required to maintain such clearance shall be at the expense of the property owner who is installing the driveway approach.
- (5) Distance between driveways.
- (a) A full height of curb shall be maintained for a minimum distance of six feet between the transitions of adjoining driveways. No driveway shall be constructed which results in a curb length between driveways in excess of 12 feet unless the curb length is at least the length of one standard parking space of 22 feet.
- (b) If more than one industrial or commercial service driveway approach is required for frontage up to 100 feet, the maximum length of the driveway approach shall be 20 feet and not more than two such driveway approaches shall be permitted; provided, however, that not less than 12 feet of straight curb must separate industrial or commercial service driveways under one ownership.

- (6) Common use driveways. Joint use of driveways may be permitted in special cases.
 - (7) Abandoned driveways. Any abandoned driveway shall be completely removed and replaced with standard curbs and sidewalks.
 - (8) Grade. Driveway approach grades shall be designed to preclude any part of an automobile frame from dragging or "hanging up" on the street or driveway.
 - (9) Modification. The above standards may be modified by the ~~City Engineer~~ **Public Works Director** for unusual conditions, or where necessary to promote a smooth and safe flow of traffic.
- (D) Permit Fee. The permit fee for the construction and maintenance of a sidewalk, curb, and/or a driveway approach shall be established by the ~~City Engineer~~ **Public Works Director**, and in no case shall be less than \$2.50.

SECTION 2: Chapter 95 of the Seaside Code of Ordinances is hereby amended by adding section 95.05 to read:

95.05 PRIVATE SIDEWALKS

- (A) It is hereby made the duty of all owners of land adjoining any street or road in the City of Seaside to reconstruct, repair, and maintain in good order, the sidewalks in front of their land, except as noted in Section 95.06. The Seaside City Council shall have the authority to require the owner of any property, at the expense of the property owner, to reconstruct, or to repair the sidewalk in front of the property of such owner. The Council shall have the power and authority to determine the grade and width of all sidewalks, the material to be used and the specifications for their construction.
- (B) The property owner shall be liable for any injuries resulting from improper or poorly maintained sidewalks.

SECTION 3: Chapter 95 of the Seaside Code of Ordinances is hereby amended by adding section 95.06 to read:

95.06 CITY SIDEWALKS

- (A) It will be the responsibility of the City of Seaside to maintain the following sidewalks:
 - a. Broadway Street from the Turn-a-round to Wahanna Road
 - b. The Prom from 12th Avenue to Avenue U
 - c. The sidewalk East of US101 [Roosevelt Dr.] from Avenue H to Avenue M
 - d. The sidewalk East of US101 {Roosevelt Dr.] from 1st Avenue to 9th Avenue
 - e. The sidewalk East of Necanicum Drive. From 1st Avenue to 12th Avenue
 - f. All sidewalk adjacent to City owned property

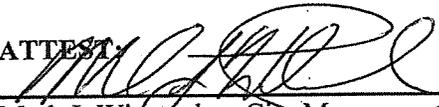
ADOPTED by the City Council of the City of Seaside on this 10 day of March, 2015, by the following roll call vote:

YEAS: LARSON, MORRISEY, MONTERO, JOHNSON, BARBER, FRANK
 NAYS: NONE
 ABSTAIN: NONE
 ABSENT: PHILLIPS

SUBMITTED to and **APPROVED** by the Mayor on this 11 day of March, 2015.



 DON LARSON, MAYOR

ATTEST:


 Mark J. Winstanley, City Manager