

TRADITION OF GOOD SIDEWALKS

With the establishment of La Grande in 1876, a frontier settlement at the foothills of the Blue Mountains, one of the first concerns was to begin a system of sidewalks. Even then the townspeople wanted to walk from one place to another without wading through the mud, tripping over rocks and roots, or dodging horses and wagons. The first sidewalks were rough sawn planks, low in cost but requiring continual replacement due to wear and weather. When permanent concrete walks replaced the wooden planks, it was a major milestone in La Grande's emergence as a City. Sidewalks remain today one of the City's greatest assets. Experience has shown, however, that even concrete needs occasional maintenance to keep it safe and useful. To insure pedestrian safety and for convenience, the City of La Grande has established a sidewalk maintenance program to identify hazardous conditions and to insure timely removal of these hazards.

PROGRAM GOALS

The objectives of the sidewalk maintenance program are:

1. To protect the public from injury by identifying hazards in the sidewalks and insuring their removal.
2. To protect the property owner from possible liability claims due to personal injury caused by a sidewalk hazard. Notify them when a hazardous sidewalk condition exists and help with the correction.
3. To protect the public's investment in the transportation system which includes sidewalks and curbs.
4. Manage the maintenance of sidewalks, curbs and driveways in a way that protects streets, trees and other desirable vegetation whenever possible.
5. Protect the City of La Grande from possible liability.

LEGAL AUTHORITY

The City of La Grande adopted by Council Action the Sidewalk Maintenance Program in the year 2000. Various City Ordinances set specific requirements for construction of sidewalks, curbs and driveways and for abatement procedures for hazards, these are referenced in Appendix A.

OPERATING POLICY

To assure that the sidewalk maintenance program meets its intended goals, the sidewalk posting and repair programs will operate according to operating policies. These policies are as follows:

1. To insure pedestrian safety, inspect all neighborhood sidewalks once every ten (10) years and sidewalks in the business district once every five (5) years. (See maps in Appendix B)
2. To insure fair and equal treatment of property owners, the inspection of sidewalks will be conducted according to guidelines established by the Sidewalk Maintenance Program.
3. To encourage property owners to repair sidewalks, a free Right-of-Way Permit will be issued.
4. To allow property owners adequate time to make repairs (unless an emergency exists), a minimum of six (6) months will be allowed before the City assumes the obligation and will make the necessary repairs. The expense of these repairs will be billed to the property owners, and a lien placed against the property.
5. To assure the property owner is aware of the City's intent to make the repairs property owners will be notified in writing at least ten (10) days prior to the start of work.
6. To allow for unforeseeable circumstances, requests for time extensions will be investigated and when just cause exists, an extension may be granted. See time extension requirements on page eight (8).

7. If repairs in the Central Business District are required, the City should be contacted five (5) days prior to beginning work at 962-1333. Conditions on days and hours of work may be imposed depending on the amount of activity in the Central Business District. Central Business District boundaries are described in the Land Use Codes. These codes are referenced in Appendix A.

TREES

Trees are another of the City's greatest assets. To insure that trees are not damaged due to root removal or other activity during sidewalk maintenance and repair the operating policies are:

If tree roots found at the job site are within six (6) inches of the work area, and could be damaged by work on the sidewalk or curb, the contractor is to consult with the property owner and to consult with the City Urban Forester. A procedure that will assure the good health of the tree will be selected. The City may require the property owner:

1. To use radius block outs where roots have encroached to the sidewalk area.
2. To ramp over roots too large for removal. (i.e., Raising the sidewalk square that is lower even with the square that is raised, therefore creating a ramp over the root).
3. To use drop curbs where appropriate.
4. To contact the Engineering Division before taking action that could result in any root loss from putting the sidewalk back to grade.

Whenever possible, accommodations will be made to protect and preserve trees. However, if there are specific cases when trees cannot be saved, the Engineering Division after consulting with the Urban Forester will have the authority to request the trees removal from the right-of-way to protect vehicular and pedestrian safety. This will be at the property owner's expense.

POSTING PROGRAM

The goal of the Sidewalk Maintenance Program is to identify pedestrian hazards and assist the property owners with the abatement. To accomplish this goal, all neighborhood sidewalks will be inspected once every ten (10) years. The central business district, where pedestrian traffic is heavy, will be inspected once every five (5) years. The inspectors are primarily looking for things that may cause people to trip and fall, such as raised sidewalks, badly cracked squares that create holes and rough spots, and areas damaged by tree roots. To assist the inspectors in identification of hazards, staff has established guidelines in the Sidewalk Maintenance Program, for consideration in posting sidewalks. All guidelines apply to street right-of-ways where sidewalks, driveways, carriage walks and set back areas are improved with concrete, brick or asphalt. The posting will identify the hazards to insure the repair (except as provided above in the "Tree Section"). Posting guidelines are:

1. **STUB TOES (Step Separation)** - All stubbed toes, latitudinal as well as longitudinal, in the right-of-way will be posted for repair if the stub toe exceeds 1/2 inch deviation.
2. **OPENINGS (Cracks, Separations)** - All openings in the right-of-way that are hazardous will be posted for repair. A guideline of 1/2 inch will be used to determine whether the opening is hazardous.
3. **SPALLING** - Spalled sidewalks, where the surface has eroded or been repaired to the point of creating a hazard, will be posted for repair. A guideline of 1/2 inch in depth will be used in determining if the spalled area is hazardous.
4. **RAISED SIDEWALK** - Raised sidewalks will be posted when the raised area is hazardous. As a guideline, if the upper most point of the raised area is greater than four (4) inches from the sidewalks normal grade, it will be determined that a raised sidewalk is hazardous.
5. **SUNKEN SIDEWALK** - Sunken sidewalks will be posted when the sunken area can hold water or contains other hazards. (A maximum depth of four (4) inches shall be used in determining if the area is hazardous).

6. **DRIVEWAY APRONS** - When less than half a driveway apron area is defective or hazardous only that portion shall be considered hazardous. If more than half the driveway is hazardous or where less than full repairs would leave a hazard, it will be necessary to post the entire driveway apron for replacement.
7. **UNUSED DRIVEWAYS** - All driveways constructed under permit provisions will be posted for replacement with curb and sidewalk if permanently unused or hazardous. Permanently unused driveways not serving legal maneuvering space on a property will be considered closed. Examples are: driveways blocked by fences, walls, or landscaping and driveways to an illegal parking area in a yard.
8. **MULTI-PROPERTY TREES** - Where a tree root has lifted the sidewalk at the property line, both properties will be posted to maintain natural grade and quality of work. This hazard may be repaired and the posting abated by the property owners. (To maintain quality work and to meet City repair standards, the posted area will be required to be repaired simultaneously).
9. **TREE WELLS** - Unused tree wells and hazardous tree wells will be posted. Cost estimates will be based on four (4) inch concrete as established by ordinance. Tree wells that are unused will be turned over to the Engineering Division for review with the property owner.
10. **BOLTS IN SIDEWALKS** - Traffic sign bolts and bases in the sidewalk will be referred to the Street Maintenance Division to install signs or eliminate the hazard. The property owner will not be charged for this work.
11. **CORNERS** - Guidelines for posting and replacement of corners shall be the same as used for sidewalks and driveways. When major repairs to a corner without a wheel chair ramp are required (nine lineal feet (9') of curb, or forty-five (45) square feet of sidewalk or more), it will need to be replaced and include a wheel chair ramp. When corner repairs are requested and property posting is adjacent, the posting should be repaired simultaneously with the corner. Inspectors will note this on the posting.

- 12. CURBS** - Curbs are the responsibility of the property owner whether or not they are in combination with the sidewalk. Curbs will be posted when they present a deterioration hazard and will no longer help drainage control. Curbs that are not in combination with the sidewalk and have not been damaged willfully will be maintained by the City.
- 13. CONSTRUCTION DATE STAMP** - Dates of sidewalk construction should be stamped in the concrete for future historical reference.
- 14. POLE PATCHES AND UTILITY BOXES** - Repair of pole patches and utility boxes in the right-of-way will be referred directly to the appropriate utility company.
- 15. VAULTED DOORS** - Vaulted doors that are hazardous will be posted for repairs. Guidelines of 1/2-inch stub toe, 1/2-inch opening, raised or sunken or general hazardous conditions shall apply.

COMPLAINT OR REFERRAL POSTING

Complaint or referral posting will be inspected within fourteen (14) calendar days of notification to the Engineering Division. The Staff will inspect and post the property. If the hazard is found extreme, a sixty (60)-calendar day posting will be issued.

PROPERTY OWNER REPAIRS

A property owner may eliminate the hazard in one of the following manners (a Right-of-Way Permit is required, see Appendix G):

1. By removing the hazard to full depth and replacing it with concrete. The repair may be less than a full square repair when appropriate.
2. By grinding the stub toe with the approval and guidance of the Sidewalk Inspector.
3. By removing and replacing whole squares to full depth and replacing it with concrete.

4. If tree roots are the cause of the defect, a property owner must call the Sidewalk Inspector for review of corrective action in an effort to preserve the tree. Damages to the tree and tree roots are the property owner's responsibility.

CONTRACTOR REPAIRS

A contractor hired by a property owner shall eliminate posted hazards following the same guidelines as listed for property owners.

All contractors are required to have a current Right-of-Way Permit and to be registered with the State of Oregon Builders Board. All licensed contractors are required to have the necessary bonding and a certificate of insurance liability.

CITY REPAIRS

The City will eliminate posted hazards by removing and replacing whole squares to the proper depth. Skin and plaster patching are not acceptable methods because they do not provide a substantial repair.

AFFIDAVIT FOR POSTING

The Sidewalk Inspector will prepare an affidavit of posting stating the date of posting, legal property description, and a brief description of the hazard(s). In addition, the affidavit of posting will display a detailed sketch of the repairs necessary to eliminate the hazard based on full construction. This detailed sketch will be generated by the Engineering Division and a copy mailed to the owner of record of the posted property.

PERMITS

To encourage property owners to make their own repairs or to hire a contractor to make them, a Right-of-Way Permit is available at no charge. The Permit will be issued to the party making the repair (i.e., property owner or contractor). If there are trees and roots involved in the posting,

the property owner, contractor and City will inspect the excavation and follow guidelines referred to under Trees (page 3). After the damaged sidewalk has been removed and forms placed, the Sidewalk Inspector will need to be contacted to make a form inspection. Upon completion of repair, the Sidewalk Inspector will make a final inspection and inform the permittee as to the results of the inspection. When a satisfactory repair has been completed, the property owner will be notified and the affidavit of posting closed as repaired. (See appendix G for a copy of the Affidavit of Posting).

RE-INSPECTION

Before scheduling repairs by City crews, all postings will be re-inspected by the Sidewalk Inspector. If it is found that the hazard has been repaired, the posting will be closed. If the hazard has not been repaired correctly, it will be scheduled for repair by the City at the property owners expense and a lien placed against the property.

INTENT TO REPAIR

Prior to work by the City, but not less than six (6) months after the official notice to repair, all owners of record identified during the re-inspection will be notified by mail, 10 days prior to construction, of the City's intent to repair the sidewalk. This notice will identify the approximate date repair will begin, the extent of the repair and the cost of the repair. Upon completion of the layout a notice will be left on the property stating the intent to begin repair within a designated time span.

APPEAL

All misunderstandings and appeals for sidewalk postings that cannot be solved by the Sidewalk Inspector will be directed to the Assistant Public Works Director. The Sidewalk Inspector and the Assistant Public Works Director will investigate all such cases and attempt to reach an agreement with the concerned parties. If the disputed posting is clearly in error, the Assistant Public Works Director will call for a re-inspection and cancel or adjust the posting according to the revised findings. If the Assistant Public

Works Director cannot resolve the problem, the Public Works Director will investigate the problem and seek a resolution. The efforts to resolve the dispute will be fully documented and will be used, as evidence should the disputant file a remonstrance. A final appeal will go to the City Council.

TIME EXTENSION

To allow for unforeseen circumstances, all requests for time extensions will be investigated by the Sidewalk Inspector. If reasonable cause exists, an extension will be granted.

The following are guidelines that will be used for the Sidewalk Posting and the Sidewalk Inspector to grant extensions to the property owner to make the necessary repairs to the sidewalk.

1. **NEW PROPERTY OWNER** - To qualify as a new property owner, the owner of record must have acquired the property following the initial posting and not been notified by the previous property owner of the existing sidewalk posting. These extensions will usually be seven (7) to thirty (30) calendar days in length. Extensions of up to sixty (60) calendar days may be granted if the property owner can provide a specific date that the repairs will be made.
2. **LEGAL QUESTIONS** - Legal matters concerning the posted property that the Sidewalk Inspector has been informed in writing about, may have extensions granted until legal questions have been resolved. Legal matters in question may be ownership, liability and responsibility of payment.
3. **NEW CONSTRUCTION** - Property where sidewalk repairs will be damaged by pending or planned construction may be granted an extension to save the property owner the cost of repairing the sidewalk area twice. Extensions may be granted for up to six (6) months with a review if the extension expires before completion of construction. A meeting with the Sidewalk Inspector is required to determine if it will be necessary for temporary repairs or a longer extension.

- 4. OTHER EXTENSION INFORMATION** - Short extensions of seven (7) to thirty (30) days may be granted to allow property owners to make repairs or to hire a contractor to make repairs. The length of an extension will be specific to allow the City to make repairs in the normal cycle and without additional expense if the property owner fails to complete the repairs. We do recognize that all possible situations (such as weather related problems) may not be covered in the above four categories. Those listed are to provide a guideline in finding out the type and length of an extension.

CITY REPAIRS

The City crews will repair the posted hazard area only when the property owner has failed to take action. These repairs are the responsibility of the owner of record and will be billed accordingly.

To insure repairs made by the City are satisfactory, reconstruction of the hazard area will require removal and replacement of full squares. The work performed will be guaranteed for a three (3) year period, unless, the problem is caused by tree roots.

REPAIR CHARGES

Upon completion of the sidewalk repair by the City, the property owner will be billed for the cost of the work performed. The billing that the property owner will receive is calculated to recover all direct costs (cement, forms etc.) and applicable overheads (labor costs). These costs could be figured in two ways: 1) The repairs made are to be calculated based on a rate approved by City Council and printed in a cost estimate; OR 2) If the repair is of sufficient size (two (2) or more full squares), cost will be calculated based on actual time, material and equipment used. The property owner has thirty (30) days to make a lump sum payment. If the payment is not made in thirty (30) days the City Finance Director will send the owner of record a proposed assessment notice. The amount contained in the notice will be the original repair bill plus a ten percent (10%) handling charge and a lien placed against the property. The property owner may challenge the proposed assessment in writing through a remonstrance process. (See Ordinance 2764, Section 36 in Appendix A for information).

TIME PAYMENTS

A property owner who wishes to make time payments may arrange with the City Finance Director. This option is available only when the City Council makes available a Sidewalk L.I.D. A Citywide Sidewalk L.I.D. may be passed when the City Council has deemed it necessary to allow property owners the option of time payments over a ten (10) year period.

DEFERRAL OF ASSESSMENTS

Oregon State Law provides that a homeowner, age 62 or older, may defer payments on certain special assessments against their property when the assessment was for an L.I.D. (Refer to Appendix G). To qualify for the deferral program the owner of record must meet all of the following requirements:

1. You must be 62 or older at the time you file the application.
2. You must have a recorded deed to the property or be buying the property under a recorded sales contract. Certain trustor-trustee arrangements qualify for deferral. You are not eligible for deferral if you have only a life-estate interest in the property. Your homestead is limited to your principal dwelling and the tax lot upon which it is located.
3. You must live on the property (except for an individual required to be absent by reason of health). If two or more persons, not husband and wife own the property, each owner must apply, live on the property, be 62 or older, and have combined household income of \$33,000 or less per year.
4. Your total household income must be less than \$33,000 for the preceding year. Household income is defined as both taxable and nontaxable income, including Social Security and pensions.

For additional information see the information circular and copy of the application in Appendix G.

GOOD SIDEWALKS MAKE GOOD NEIGHBORS

Sidewalks have a way of tying together a neighborhood. Realtors will attest that where sidewalks are in good condition the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes such as: recreation for joggers; a recreation place for children with bicycles and pull toys; an informal meeting place for neighbors an encouragement for people to use the most basic form of transportation, walking. They are your sidewalks. Be proud of them. Take care of them; enjoy them.

INFORMATION AVAILABLE

There is additional information available from the City of La Grande Public Works Department, Engineering Division upon request that will explain the construction standards and specifications.