

ORDINANCE NO. 1826

(An ordinance amending sidewalk maintenance provisions in Chapters 13.12 and 13.20 of the Hood River Municipal Code)

WHEREAS, Chapter 13.12 requires owners and occupants to maintain trees in accordance with its provisions in order to protect the City's public rights of way;

WHEREAS, the same concerns that apply to trees with respect to protection of the public right of way also apply to other types of vegetation that can extend into or over public rights of way;

WHEREAS, Chapter 13.12 should, therefore, be amended to apply to any vegetation that extends into or over the City's public rights of way;

WHEREAS, the City has authority over its rights of way;

WHEREAS, Chapter 13.20 makes the adjacent owners responsible for maintaining the sidewalks and provides for the City to issue a notice of disrepair;

WHEREAS, it is not the City's intent for the owners to be responsible for maintenance only upon receipt of a written notice of disrepair from the City, nor is it the City's intent to assume responsibility for providing such notice to the owners; and

WHEREAS, Chapter 13.20 should be amended consistent with the City's intent.

NOW, THEREFORE, the City of Hood River ordains as follows:

CHAPTER 13.12 - ~~TREES~~ TREES VEGETATION IN AND ADJACENT TO CITY RIGHTS OF WAY

Sections:

13.12.020 Trimming and maintenance requirements.

13.12.030 Maintenance neglect—penalty.

13.12.031 Maintenance by City—Assessment of Costs—Appeal—Assessment as lien against property.

13.12.040 Protective fences—Approval required—Removal authority.

13.12.050 Damaging trees—Attaching signs—Penalty.

13.12.020 Trimming and maintenance requirements. All ~~trees~~ ~~which are~~ vegetation that is now planted or growing in a natural state or ~~which~~ that may be hereafter planted or set out in or adjacent to city rights of way, and ~~those whose~~ the limbs of which reach over the ~~streets, roads or alleys of the~~ city rights of way, shall be trimmed each year and kept and maintained to a height of not less than nine feet above the sidewalk and to a height of not less than fourteen feet above the street, curb and alley, or any one of them. The sidewalks, alleys and streets to the center line are to be kept clean at all time from ~~leaves, limbs or~~ falling vegetative debris falling from trees.

13.12.030 Maintenance neglect—Penalty.

A. The All property owners and occupants of the property adjacent to city rights of way are required to maintain keep the trees vegetation on and in front of their property respective lots or overhanging the sidewalks, streets, curbs and alleys adjacent to their respective lots trimmed in conformity with the provisions of Section 13.12.020.

b. The All property owners and occupants of the property adjacent to city rights of way are further required to maintain keep all portions of the adjacent rights of way their adjoining sidewalks, curbs, alleys and streets; to the centerline, clean of rubbish and leaves, limbs or debris falling from trees in conformity with the provisions of Section 13.12.020.

c. Property owners and occupants who continue to be in violation of the provisions of this section after ten days' notice from the city, shall, upon conviction thereof before the municipal court judge, be fined not less than fifty dollars nor more than two hundred dollars per day. Violation of this Chapter shall be processed as a violation and not as a misdemeanor.

13.12.031 Maintenance by City—Assessment of Costs—Appeal—Assessment as lien against property. [No change to this section.]

~~13.12.040 Protective fences—Approval required—Removal authority. Trees planted or growing within the city's rights of way, as permitted by this chapter, may be protected by such temporary fences or structures as the city engineer or his or her designee approves, such fences or structures to be removed under the direction of the city engineer or his or her designee when appropriate.~~

13.12.050 Damaging city's trees—Attaching signs—Penalty. [No change to this section.]

CHAPTER 13.20 – SIDEWALK MAINTENANCE

Sections:

13.20.010 Owner responsibility and liability.

13.20.020 Notice of disrepair.

13.20.030 City repair—Lien.

13.20.010 Owner responsibility and liability. It shall be the duty of the owner or owners of the property lots or tracts of land abutting or adjoining the streets within the city to maintain the sidewalks and curbs extending along, in front of or abutting or adjoining such streets in a condition that is serviceable and safe; and all such owners are declared to be liable for all damages to whomsoever resulting or arising from their fault or negligence, and the owner's failure failing to keep and or put such sidewalk or curb in a serviceable and safe condition, notwithstanding whether or not the city gave notice of disrepair as provided in Section 13.20.020.

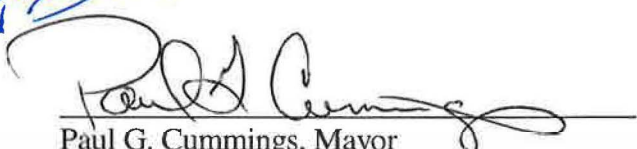
13.20.020 Notice of disrepair. [No change to this section].

13.20.030 City repair—Lien. [No change to this section].


Read for the first time: May 28, 2002.

Read for the second time and passed: June 24, 2002, 2002, to become effective thirty (30) days hence.

*reconsidered
and adopted*


Paul G. Cummings, Mayor

ATTEST,


Anita R. Smith, City Recorder
Terri J. Phillips