

Chapter 12.20

**CONSTRUCTION OF SIDEWALKS,  
CURBS AND GUTTERS**

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**12.20.010     Definitions.**

As used in this chapter:

“Curb” means the stone or concrete edging forming a gutter along the street.

“Gutter” means a narrow channel along the side of a road or street to carry water to a storm drain.

“Nonconforming sidewalk” means:

1. Any sidewalk that is built or constructed upon any property within the corporate limits of the city of Port Orford upon any grade which has not been previously established by the city of Port Orford.

2. Any sidewalk for which a written permit has not been issued by the city to the owner of the property upon which any sidewalk has been built or constructed prior to the building of or construction of said sidewalk.

3. Any sidewalk which is not built and constructed out of any material not approved by the city of Port Orford, or surfaced in any manner not approved by the city of Port Orford, or any sidewalk which has been built and constructed or maintained in such a state or condition of repair as to render the sidewalk dangerous, unsafe, or unfit for the use of pedestrians.

4. Any sidewalk which, by its continuance,

damages or adversely affects the use of any

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connecting sidewalk to the payment of any cost or expense by virtue of said damage or adverse effect.

“Side walk” means a raised walk or footway for pedestrians constructed out of some material other than the ground traversed by the walk or footway, adjacent to or parallel to any street or alley within the corporate limits of the city of Port Orford and intended for the use of the general public as a pedestrian walkway. (Ord. 97-02 § 1, 1997)

**12.20.020 Declaration of the city’s jurisdiction over sidewalks, curbs and curbs and gutters.**

The city of Port Orford, for the protection of the public welfare, and for the best interests of the public welfare, and for the best interest of the city, declares that the city of Port Orford, Oregon, Possesses, claims, maintains, exerts and reserves unto the city complete and full jurisdiction over and unto all sidewalks, curbs and curbs and gutters, as defined elsewhere in this chapter, now, or hereafter, constructed or built within the corporate limits of the city of Port Orford. However, construction, maintenance and liability for sidewalks, curbs, curbs and gutters within the corporate limits of the city of Port Orford shall remain the responsibility of the property owner. (Ord. 97-02 § 2, 1997)

**12.20.030 Grade of sidewalks, curbs and curbs and gutters.**

The grade of each and all of the sidewalks, curbs and curbs and gutters constructed and maintained upon any property located within the corporate limits of the city of Port shall be on the grade therefor as the same is established under the rules and regulations as the council may, upon its motion, provide. The council and/or the public works

superintendent shall have the right to establish the grade of any sidewalk, curb or curb and gutter along any street or alley, and upon any block, or lot contained in said city. Any sidewalk, curb or curb and gutter not constructed or maintained upon the grade hereto set forth shall be a nonconforming sidewalk, curb or curb and gutter. (Ord. 97-02 § 3, 1997)

**12.20.040 Prohibition of nonconforming sidewalks, curbs and curbs and gutters.**

From and after the date of passage and the effectiveness for the ordinance codified in this chapter, no person, firm or corporation shall build, construct, or maintain a nonconforming sidewalk, curb or curb and gutter upon any property, or along, adjacent to, or parallel to any street or along, within the corporate limits of the city of Port Orford. (Ord. 97-02 § 4, 1997)

**12.20.050 Prohibition for constructing a sidewalk, curb and curb and gutter without a permit.**

No owner or owners of property located within the corporate limits of the city of Port Orford, or person, form or corporation shall build or construct a sidewalk, curb or curb and gutter or excavate any ground for the purpose of building or the construction of a sidewalk, curb or curb and gutter therein, without first having applied for and received from the public works superintendent a permit for such building, constructing and excavating.(Ord. 97-02 § 5, 1997)

**12.20.060 Procedure to secure permit.**

Any owner of property located within the

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### **nonconforming sidewalks, curbs and curbs and gutters.**

corporate limits of the city of Port Orford, or any person, firm, or corporation desiring to build, construct, or excavate for a sidewalk, curb or curb and gutter within said corporate limits, shall substantially comply with the following procedure:

An application, in writing, shall first be made to the city public works superintendent, setting forth the description of the land upon which a sidewalk, curb or curb and gutter is to be constructed or built, and upon which the excavation, if any, is to be made.

A. This application shall set forth the material to be used in said construction and building together with a brief statement as to how the sidewalk, curb or curb and gutter is to be established.

B. The city public works superintendent shall consider the application, and if it appears to him that the provisions of this chapter have been substantially complied with by the applicant, he shall issue a permit to the applicant to build, construct, and excavate to the extent necessary to accomplish the purpose applied for, the construction of said sidewalk, curb or curb and gutter. (Ord. 97-02 § 6, 1997)

### **12.20.070 Duty of public works superintendent.**

It shall be the duty of the public works superintendent to periodically inspect the condition and state of repair of all the sidewalks, curbs and curbs and gutters in the city. He shall periodically make a report of such inspection to the council. He shall diligently, in his report, set forth and describe all nonconforming sidewalks, curbs or curbs and gutters that he has discovered, prior to the date of his report, and submit same to the council. (Ord. 97-02 § 7, 1997)

### **12.20.080 Procedure to vacate**

2. Excepting subsection (A)(1)(c) of this section, the council shall hold a hearing upon the complaint on the date and at the time and

A. The council, may, at its own motion, or upon the submission to it of the report by the city public works superintendent, find that a nonconforming sidewalk, curb or curb and gutter exists and is being maintained within the corporate limits of the city of Port Orford.

1. Upon the adoption of said findings, or the acceptance of the report of the city public works superintendent covering the existence of a nonconforming sidewalk, curb or curb and gutter, the council may, upon its own motion, order a notice to be prepared and personally served upon the owner or owners of the property upon which said nonconforming sidewalk, curb or curb and gutter exists or is being maintained.

a. This notice shall be signed by the city recorder, and contain a brief statement of the complaint.

b. This notice shall summon all adverse parties to appear at a date, time and place, which shall not be less than ten days after said date of said service, and show cause why the sidewalk, curb or curb and gutter constructed, built, or being maintained upon the property should not be declared a nonconforming sidewalk, curb or curb and gutter under this chapter.

c. In the event that the party or parties upon whom this notice has been served shall appear before the council before the date set forth in said notice for them to appear and make a satisfactory showing to the council that the nonconforming sidewalk, curb or curb and gutter has been brought into the status of an approved sidewalk, and that all of the provisions of this chapter have been obeyed and complied with, the council, may at its own motion, vacate the proceedings.

place set forth in the aforesaid notice.

a. From the evidence introduced before it at said hearing, the council shall adjudicate the

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matter before it.

i. If the council shall find that the sidewalk, curb or curb and gutter complained of in said notice is a nonconforming sidewalk, curb or curb and gutter as defined in this chapter, the council shall have issued an order commanding each and every person upon whom said notice has been served, reasonably described and complained of, under such conditions as the council shall set forth in said order, to remove said sidewalk, curb or curb and gutter from the status of a nonconforming sidewalk, curb or curb and gutter, or at its motion, command each and every person, upon whom said notice was served, to remove the said nonconforming sidewalk, curb or curb and gutter in its entirety.

ii. A copy of this order shall be served personally upon all of the parties named in the original notice to show cause, or if it is impossible to make such service within the corporate limits of the city of Port Orford, service of said order may be made by and through the United States mail by addressing the order to the last known address of the party or parties, herein, above required to be served with a copy of said order.

iii. The time in which said party or parties shall be ordered to comply with said order shall not be less than ten days nor more than fifteen days from the date of said order.

iv. Said order shall be signed by the mayor and the city recorder and shall be dated.

b. For the protection of the public welfare and the safety of pedestrians, and for the purpose of giving public notice that the sidewalk, curb or curb and gutter complained of in the aforesaid order to be repaired or removed, is a

d. Excavate for, construct, build or otherwise repair the nonconforming sidewalk, curb or curb and gutter to the standards set forth elsewhere in this chapter and to assess the costs of such excavation, construction, building or repair to the property owner as specified in Section 12.20.160. (Ord. 97-02 § 8,

nonconforming sidewalk, curb or curb and gutter and as a warning to the public that said nonconforming sidewalk, curb or curb and gutter is dangerous to, and unsafe for the use as a walk or footway.

3. In the event that the person or persons to whom said order is directed shall either fail to or refuse to fully comply with said order within the time period therein set forth for the same to be obeyed, the city of Port Orford shall have the right to:

a. Build and erect a fence, of such height as the council shall decide, around the side walk, curb or curb and gutter described and set forth in said order.

b. To post not less than two signs thereon which shall substantially warn all pedestrians that said sidewalk, curb or curb and gutter is a nonconforming sidewalk, curb or curb and gutter under this chapter, that it is dangerous and unsafe to be used as a walk or footway, and that the city of Port Orford denies that it has either approved of said sidewalk, curb or curb and gutter or has consented that it be built or constructed and, further that the city of Port Orford shall not be obligated to, nor does

it agree to, the payment of any sum of money whatever for injuries or damage as a result of the use of said sidewalk, curb or curb and gutter so fenced in, as a walk, footway, or for any other purpose.

c. No person, firm or corporation whomsoever, shall in any manner or degree, move, relocate, break down, destroy, or remove said fence erected by the city of Port Orford, or attempt to do so.

1997)

**12.20.090 Material specifications.**

All sidewalks, curbs and curbs and gutters shall be constructed of concrete with the following minimum characteristics:

- A. One part Portland cement;
- B. Three parts sand;
- C. Four parts gravel;
- D. Five sacks transit or ready mix, two thousand five hundred (2,500) PSI crush test. (Ord. 97-02 § 9, 1997)

**12.20.100 Minimum sidewalk width.**

The minimum width of any sidewalk hereinafter built and constructed shall be five feet, except as the following states or as the city council shall deem important and proper, now and hereafter. (Ord. 97-02 § 10, 1997)

**12.20.110 Sidewalk subgrade preparation.**

A. The foundation of all sidewalks and curbs and gutter shall consist of thoroughly tamped earth brought to the proper grade to receive the construction it is intended to support.

B. Should any filling be required it shall be of such a character and so placed and settled that it will not practically settle after construction shall be built on it.

C. The top of the subgrade shall extend six inches on either side of the sidewalk.

D. The subgrade shall be thoroughly wetted before the concrete is placed upon it.

E. All sidewalks, curbs and gutters shall be built within forms of such size and character as to support the concrete being formed. (Ord.97- 02 § 11, 1997)

**12.20.120 Sidewalk, curb and gutter construction minimums.**

A. The minimum finished thickness of any sidewalk shall be three and five-eighths inches in all areas where normal pedestrian foot travel is in evidence. In commercial areas where heavy hand truck or power operated fork lifts are used, the minimum finished thickness shall be five and five-eighths inches. The minimum finished thickness of the sidewalk at all driveways approaches and the minimum thickness of all driveway approaches between the curb line and the right-of-way shall be five and five-eighths inches.

F. Approximately a two-inch radius or cove should be used between the slab section of the gutter and curb section to provide for ease of cleaning.

- 1. The gutter slab shall fall toward the curb

sidewalk shall be three and five-eighths inches in all areas where normal pedestrian foot travel is in evidence. In commercial areas where heavy hand truck or power operated fork lifts are used, the minimum finished thickness shall be five and five-eighths inches. The minimum finished thickness of the sidewalk at all driveways approaches and the minimum thickness of all driveway approaches between the curb line and the right-of-way shall be five and five-eighths inches.

B. All sidewalks shall be laid with a fall toward the curb of one-fourth inch per foot and shall meet the curb flush with the top thereof at all street intersections, if possible and practicable.

C. The minimum radius of curvature for all curb returns at street intersections shall be ten feet.

D. The minimum curb dimensions are as follows:

- 1. Top of curb: six inches
- 2. Base of curb: eight inches.
- 3. Height of curb: twelve inches.
- 4. Curb exposure, face: six inches.

Adequate allowances must be made for the addition of up to two inches of asphaltic concrete or concrete overlay upon the street if permanent paving has not yet been installed.

E. For a curb and gutter section, the portion of curb above the street surface is to be the same as for a curb in as specified in subsection D of this section. The gutter slab is to be twenty-four inches in width, measured from the back of the curb to the face of the slab. The gutter slab shall be six inches minimum in thickness and at all times not less than the thickness of the pavement, should the pavement thickness exceed six inches. See Figure 1.

with a slope of one inch in twelve (12) inches.

- 2. Sidewalks accessing to public roads shall be made handicap accessible per specifications of the building code and are the property owners responsibility. (Ord. 97-02 §

12, 1997)

Figure 1

Typical curb and gutter cross-section

**12.20.130 General requirements—  
Finishing—Expansion joints.**

A. All sidewalks shall be divided into blocks not to exceed five feet wide by ten feet in length; each joint shall be scored entirely through the walkway and all such scoring shall be smoothly rounded and the surface of the slab shall be broom finished.

B. Expansion joints shall be placed along the sidewalk at intervals not to exceed thirty-five (35) feet; the joints shall be made by means of a prepared bituminous felt material one-fourth inch thick, the top of the felt to be flush with the top of the sidewalk.

C. Expansion joints shall be provided for at fifteen (15) foot intervals for curbs and curbs and gutters sections; the expansion joint shall be made by means of a three-sixteenths of an inch premolded material. Slip dowels in curbs

The city of Port Orford reserves the right, by motion of the council, to revise, change or require additions or alternations to any of the previously stated specifications, when in judgment the health, safety and welfare of the community warrant such actions. (Ord. 97-02 § 14, 1997)

or curb and gutter sections will be required upon the recommendation of the engineer in charge for the city.

D. Sidewalks, curbs and curbs and gutters shall receive a curing period of a minimum of seventy-two hours; during which time the concrete shall be protected against premature curing with burlap mats, frequently sprinkled with water, or by other means approved by the engineer in charge for the city.

E. No sidewalks, curbs or curbs and gutters shall be constructed when the air temperature is below thirty-five (35) degrees F.

F. All sidewalk, curb and curb and gutter work areas shall be adequately barricaded to prevent injury to persons or property.

G. The city of Port Orford reserves the right to take samples of any sidewalk, curb or curb and gutter for the purpose of examination and testing; the city may remove any section for the purposes stated above not to exceed one block removed for each one hundred (100) feet of sidewalk, curb or curb and gutter. The contractor shall be responsible for the immediate replacement of such block or blocks removed within forty-eight (48) hours of its removal. All removals by the city for testing and/or examination shall be made within three days after the completion of any part thereof. (Ord. 97-02 § 13, 1997)

**12.20.140 Reservation of city’s right to  
change specifications.**

**12.20.150 New commercial buildings,  
sidewalks, curbs and curbs  
and gutters required.**

When any new commercial buildings are erected or an existing building is enlarged, remodeled or altered at a cost of more than fifty percent of its fair market value, a side-

walk, curb or curb and gutter must be installed across the property as a part of the construction, remodeling or alteration. (Ord. 97-02 § 15, 1997)

**12.20.160      Assessment for repairs by the city.**

A. In the event that the city of Port Orford excavates for, constructs, builds or otherwise repairs a sidewalk, curb or curb and gutter as specified elsewhere in this chapter, the council shall assess the cost of repairing the sidewalk, curb or curb and gutter against the property immediately adjacent to the repaired sidewalk, curb or curb and gutter.

B. The assessment shall become a lien against the property and becomes due and payable at that time.

C. If not collected prior to a change of ownership, the lien is to be paid upon transferring of the property, or in the event the city is not notified of the change in ownership, the lien remains against the property. (Ord. 97-02 § 16, 1997)

**12.20.170      Violations.**

The violation of any portion of this chapter shall constitute a separate offense and the violations of any section of this chapter shall be cumulative. Each and every day whereon any of the sections of this chapter shall be violated by any person shall constitute a separate offense. (Ord. 97-02 § 17, 1997)

**12.20.180      Penalty.**

Any person found guilty of a violation of this chapter shall, for each and every violation hereof, be punished by a fine of not more than one hundred dollars. (Ord. 97-02 § 18, 1997)