

Title 12
STREETS AND SIDEWALKS

Chapters:

- 12.05 Service Driveway Construction Permits**
- 12.10 Sidewalk Specifications**
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Chapter 12.05
SERVICE DRIVEWAY CONSTRUCTION PERMITS

Sections:

- 12.05.010** **Definition – Application for permit.**
- 12.05.020** **Maximum length of service driveways hereby approved.**
- 12.05.030** **Penalty.**

12.05.010 **Definition – Application for permit.**

The term “service driveway” as used herein shall mean any concrete driveway constructed in accordance with city standard specifications in or upon any street and intended for use and used by the public. It shall be unlawful to construct and maintain any service driveway in the city of Burns without first securing a permit.

Any property owner desiring to obtain a permit for a service driveway or driveways to serve his property shall file application therefor with the city street superintendent; said application shall be in writing and shall contain information showing the type of construction, the length of driveways desired, location of driveway, and any other information which may be required by the city street superintendent.

Such driveways shall be in accordance with the specifications furnished by the city street superintendent as to design and shall not exceed the following maximum lengths, and if the city street superintendent finds that such driveways will be a menace to the safety of the city, the city street superintendent shall issue a rejection of such permit. If, however, the driveways meet with all requirements, then the city street superintendent shall issue a permit for the construction thereof of such driveway. [Ord. 314 § 1, 1941]

12.05.020 **Maximum length of service driveways hereby approved.**

If only one service driveway is desired, the maximum length approved shall be as follows:

Frontage		Length
30 to 50 feet	One driveway	35 feet with or without ramps
Over 50 feet to 75 feet	One driveway	35 feet with or without ramps
Over 75 feet	Two driveways	35 feet or one 40-foot with or without ramps

If more than one service driveway is desired for frontage up to 100 feet, the maximum length of driveway will be 30 feet with or without ramps, and not more than two such driveways will be permitted. [Ord. 477, 1965; Ord. 314 § 2, 1941]

12.05.030 **Penalty.**

Any person violating any of the provisions of this chapter, on conviction thereof in the clerk’s court, shall be punished by a fine not exceeding \$100.00 or by imprisonment not exceeding 50 days, or by both such fine and imprisonment. [Ord. 314 § 3, 1941]

**Chapter 12.10
SIDEWALK SPECIFICATIONS**

Sections:

- 12.10.010 Grades.**
- 12.10.020 Composition.**
- 12.10.030 Widths – Business district.**
- 12.10.040 Curbs.**
- 12.10.050 Widths – Courthouse Block.**
- 12.10.060 Widths – All other properties.**
- 12.10.070 Slope requirements.**
- 12.10.080 Survey required for new construction.**
- 12.10.090 Specifications.**

12.10.010 Grades.

All sidewalks hereafter built within the corporate limits of the city of Burns shall be built on and in accordance with the grades now established by Ordinance No. 180 of said city, or such grades as may be hereafter established by ordinance. [Ord. 442 § 1, 1964]

12.10.020 Composition.

All sidewalks hereafter built within the corporate limits of the city of Burns shall be composed of cement, otherwise known as concrete walks. [Ord. 442 § 2, 1964]

12.10.030 Widths – Business district.

The width of all sidewalks hereafter constructed on Broadway Avenue and within the business district or the area bounded by the west line of Alvord Avenue, the south line of Monroe Street, the east line of Alder Avenue, and on the south line of D Street, and also all of Monroe Street west of Alvord Avenue to the east line of the intersection of Diamond Avenue and the lots adjacent thereto shall be 11.5 feet, beginning at the property line and a six-inch curb, composed of cement or concrete according to the specifications hereinafter set forth for cement or concrete walks, curbs, and gutters, and no new walk hereafter constructed shall be built or constructed of any material other than cement or concrete, and the use of any other material in any sidewalk in said business district is hereby prohibited; provided, however, that existing walks may be patched with appropriate materials as approved by the engineer and/or the common council. [Ord. 442 § 3, 1964]

12.10.040 Curbs.

Curbs shall be located to conform with the width of each particular street as designated by the common council. [Ord. 442 § 4, 1964]

12.10.050 Widths – Courthouse Block.

The width of the sidewalk on all four sides of Block 36 of the First Addition to the city of Burns, otherwise known as the Courthouse Block, shall be nine feet, beginning at the property line, and extending a distance of nine feet toward the curblines with a six-inch curb. [Ord. 442 § 5, 1964]

12.10.060 Widths – All other properties.

The width of the sidewalk along all other property and along all other streets, excepting said Block 36 and said business district, shall be five feet, the inner edge of which shall be on the property line; provided, however, the common council may, by resolution, permit a sidewalk to be located not more than four feet from the property line if, in its opinion, such a change is necessary in order that the sidewalks conform properly. [Ord. 442 § 6, 1964]

12.10.070 Slope requirements.

There shall be a slope in all sidewalks from the inner toward the outer edge thereof one-fourth inch to the foot. [Ord. 442 § 7, 1964]

12.10.080 Survey required for new construction.

Persons constructing sidewalks in areas where none have previously existed are hereby required to furnish the city with a certificate of a licensed surveyor or engineer proving a survey of the sidewalk prior to construction. [Ord. 442 § 8, 1964]

12.10.090 Specifications.

The specifications for the construction of all cement or concrete sidewalks, curbs, and gutters shall be as follows:

(1) Excavation. The subsoil shall be excavated to a depth of four inches below the finished grade as indicated by the stakes set by the engineer and shall be thoroughly settled with water and compressed by wetting and tamping. All spongy and seamy material and all sods, roots, rubbish, and boulders shall be removed and replaced with suitable material according to the specifications for embankment.

(2) Embankment. All embankments under concrete walks shall be made of suitable material, spread in layers not exceeding nine inches in thickness; each layer shall be thoroughly flushed with water and tamped and rolled until a hard, unyielding surface is obtained; the side slopes of all embankments shall be not steeper than one and one-half to one slope and all such slopes shall be neatly finished; the top of all embankments shall extend at least one foot beyond the walk on either side. Before starting embankments, the original ground surface shall be well furrowed in such a manner as to form a bond between the original ground and the embankment. In both excavation and embankment the finished subgrade shall be exactly four inches below the parallel to the grade of the finished walk, as indicated by the marks set by the engineer, and it shall be thoroughly wetted and smoothed down just before placing the concrete.

(3) Forms. The contractor shall provide forms of such shape and dimensions as may be required; they shall be of surfaced lumber, or other materials, subject to the approval of the engineer. Forms of lumber shall be not less than one and three-fourths inches in thickness, and they shall be thoroughly wetted before the concrete is placed. Metal forms shall be as smooth as planed lumber and shall be coated with grease, oil, or soap, or some mixture suitable to the engineer. Forms that have become warped, cracked, checked, bent, or in any way defective shall not be used on the work. Sidewalks which vary more than one-half inch in any direction from the grades and marks set by the engineer shall be taken up by the contractor and relaid to the proper grade and line.

(4) Cement. The cement shall be true portland cement, dry and free from lumps and all foreign material. It shall be cement which usage has proved to possess the proper qualifications and uniformity for the work intended. It shall be delivered on the work in the original packages, in good condition, properly labeled, and must be well protected from the rain and dampness. When so required, the cement shall be delivered to the work in advance of order to afford an opportunity for making tests before the cement shall be used. Each package shall be of such a quantity as to meet the requirement of the specifications for portland cement of the American Society of Testing Materials and adopted by the National Society of Cement Users.

(5) Sand. The sand shall be clean and sharp, free from loam, clay, or earthy particles. It shall be of such size that 95 percent will pass a one-fourth inch screen and not more than 33 percent will pass a 30 sieve. No more than 50 percent of crushed rock shall be used for sand.

(6) Gravel. The gravel used shall consist of clean, hard and sound stoned pebbles, having a uniform graduation from coarse to fine material which will be retained in a one-fourth inch screen and will pass a one and one-half inch ring, which shall be classed as stone. No material which will not pass a one and one-half inch ring shall be used on the work. No more than 50 percent of crushed rock shall be used for gravel.

(7) Mixture. The concrete shall consist of a mixture of one part of portland cement, two parts sand, and three parts gravel, each article to be of the quality herein specified. Large batch mix shall be 650

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pounds of cement, 1,050 pounds of sand, and 1,650 pounds of gravel, or three parts cement, five parts sand, and eight parts gravel. Air entrainment agents as now approved or may hereafter be approved by the state highway department shall be added according to the manufacturer's specifications on file in the engineer's office.

(8) Mixing. If a mechanical mixer is used, it shall be of a batch type approved by the engineer and one which admits of the accurate measuring of materials. The amount of water used and the number of revolutions or period of mixing shall be as directed by the street superintendent. Final mixture shall pass a four-inch slump test as determined by the engineer.

(9) Placing. The concrete shall be spread upon the foundation, which has been thoroughly compacted and wet down, to a depth of not less than four inches. The correct proportions of sand and gravel shall be thoroughly mixed dry until of uniform color and then sufficient water added to make a mortar of proper consistency. It shall be carefully smoothed to a uniform surface which must not be disturbed after the first settling takes place.

(10) Surface. The wearing surface shall be roughened with brush or in such a manner as the engineer may direct. All concrete walks shall have joints extending entirely through the concrete base and wearing surface. These joints shall be formed with a metal bar or plate not less than one-fourth inch in thickness. After tamping has been completed, the bar or plate shall be removed and the joint filled within one-half inch of the surface of the finished walk with fine sand, hot asphalt, paver's patch, or other suitable material. The joints shall not be more than 10 feet apart. V-shaped grooves one-fourth inch deep shall be made with a suitable tool, marking the pavement into blocks not over five feet in either dimension. Such grooves shall be made over all expansion joints. At street intersections the contractor will be required to stamp the names of the streets or avenues in the walk in letters not less than one and one-half inches high and one-fourth inch deep. Retempering of concrete or mortar will not be permitted. All concrete or mortar that fails to show proper bond, or that fails to set after, in the opinion of the engineer, it has been allowed sufficient time, shall be taken up and replaced by the contractor, at his own expense, with new concrete or mortar of the proper quality. Concrete shall not be mixed or deposited when the temperature is below 40 degrees Fahrenheit unless special precautions are taken to avoid the use of materials containing frost and the work protected in manner satisfactory to the engineer until the concrete has thoroughly hardened.

(11) Treatment of Finished Walk. When the sidewalk is completed, it shall be covered with suitable material, acceptable to the engineer, and shall be kept constantly moist until thoroughly set, and in no case shall the walk be uncovered or opened in less time than three days from the time of completion. The contractor shall build and maintain sufficient barricades to prevent injury to or use of sidewalks until they are thoroughly set. When a sidewalk is thoroughly set, the contractor shall uncover same and remove all excavated material not required for filling in park strips, and all other waste material or rubbish resulting from the construction of the sidewalk. Measurements of concrete sidewalks shall be in the slopes. Contractors who submitted bids for the construction of concrete sidewalks shall name a price per square foot for constructing walk and a price per cubic yard for excavation and embankment. The price of excavating and embankment is to include the removal of all waste materials as above specified. Embankment will be measured in place.

(12) Concrete Curb and Gutter. The preparation of subgrade for curb and gutter construction shall conform to the specifications for subgrade given under concrete sidewalk construction. The form used shall comply with the specifications for sidewalk forms against which the face of the curb shall be built, shall be carefully coated with grease, soap, or some other mixture acceptable to the engineer to ensure a smooth surface. The face and top of curb may be painted with neat cement grout but no plastering of curb will be permitted.

(13) Dimensions. In the business zones of the city, the inside or property side of the curb shall be vertical. It shall be 12 inches in height. The thickness of the curb at the base shall be eight inches and the face or street side shall be constructed with a batter which shall give a thickness of six inches at the top. The outer edges of the curb shall be rounded to conform to a radius of one inch. Concrete gutters within the area defined by BMC 12.10.030 shall be 18 inches in width and have a thickness of six inches. They shall have a slope of two inches towards the curb and the depth of the gutter from the top of the curb shall

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be six inches. All other areas within the city, unless specified otherwise, shall be as follows: Gutters shall be 12 inches in width and have a thickness of six inches. They shall have a slope of one and one-half inches towards the curb and the depth of the gutter from the top of the curb shall be six inches. Other dimensions of the curb shall be the same as defined above.

(14) Curb and Gutter Materials. The materials used shall be the same quality as those specified for concrete walks.

(15) Curb and Gutter Mixtures. The concrete used in curbs and gutters shall consist of one part cement, two parts sand, and three parts gravel.

(16) Curb and Gutter Placing. As soon as the concrete is mixed, it shall be placed in forms, a spud or mechanical device being used to force the coarser portions of the mixture back from the face of the curb and allow the mortar to come in direct contact with the forms. The coarser portions shall be forced down from the top of the curb and the mortar brought to the surface. The top of the curb shall be troweled to a smooth surface as obtained with two-coat work. The gutter shall be laid in the same manner, the coarser portions forced down and the mortar brought to the top and the surface troweled to a smooth surface.

(17) Curb and Gutter Expansion Joints. Concrete curbs and gutters shall have expansion joints entirely through the subgrade, similar to those specified for cement walks. These joints shall not be more than 10 feet apart. The specifications covering the treatment of finished walk shall apply also to curb and gutter construction. The price bid for constructing curb and gutter or combined curb and gutter shall be per lineal foot, measured along the face of the curb. [Ord. 442 § 9, 1964]

**Chapter 12.15
SIDEWALK CONSTRUCTION**

Sections:

- 12.15.010** **Definition of “sidewalk.”**
- 12.15.020** **Repair of sidewalks.**
- 12.15.030** **Liability for sidewalk injuries.**
- 12.15.040** **Standards and specifications.**
- 12.15.050** **Submission of plans.**
- 12.15.060** **Supervision of work.**
- 12.15.070** **Notice to construct, alter, or repair sidewalk.**
- 12.15.080** **City may construct, alter, or repair sidewalk.**
- 12.15.090** **Assessment for sidewalk work done by city.**
- 12.15.100** **Sidewalk construction requested by the property owner.**
- 12.15.110** **Penalty.**

12.15.010 **Definition of “sidewalk.”**

“Sidewalk” means the part of the street right-of-way between the curblines or the lateral lines of a roadway and the adjacent property lines, and includes a culvert located in a part of the street. [Ord. 662 § 1, 1988]

12.15.020 **Repair of sidewalks.**

The owner of land abutting a sidewalk shall maintain it in good repair and safe condition. [Ord. 662 § 2, 1988]

12.15.030 **Liability for sidewalk injuries.**

(1) The owner of real property abutting a sidewalk is liable to any person injured because of failure by the owner to maintain the sidewalk in good repair or safe condition.

(2) The city shall have no liability for injury to person(s) or damage to property resulting directly or indirectly from failure by an abutting or adjoining property owner to maintain sidewalks in good repair and safe condition, including removal of snow and ice. However, if the city is required to pay damages for an injury to any person caused by the failure of an owner to maintain a sidewalk in good repair or safe condition, the owner shall reimburse the city for the amount of the damages thus paid, and for the attorney fees and costs of defending against the claim for damages. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section. [Ord. 662 § 3, 1988]

12.15.040 **Standards and specifications.**

Sidewalks shall be constructed, altered, and repaired in accordance with standards and specifications determined by the public works director. [Ord. 662 § 4, 1988]

12.15.050 **Submission of plans.**

No person shall construct, alter, or repair a sidewalk without first submitting the plans and specifications for the proposed work and obtaining a permit. The application for a permit shall be made to the city clerk or city manager. The city clerk or manager may issue a permit for the proposed work upon finding that the plan conforms with the applicable standards and specifications. [Ord. 662 § 5, 1988]

12.15.060 **Supervision of work.**

The construction, alteration, or repair of sidewalks shall be under the supervision of the public works director. The public works director may inspect materials and construction details as in the public works director’s judgment may be necessary to ensure compliance with the plans and the applicable standards and specifications. [Ord. 662 § 6, 1988]

12.15.070 Notice to construct, alter, or repair sidewalk.

(1) When the council determines that a sidewalk needs construction, alteration, or repair, it shall by resolution direct the city clerk or manager to issue a notice.

(2) The notice shall require the owner of the property abutting the sidewalk to complete the work within 60 days after service of notice. The notice shall also state that if the work is not completed by the owner within the 60 days, the city may complete it and assess the cost against the property abutting the sidewalk.

(3) The city clerk or manager shall cause a copy of the notice to be served personally upon the owner of the property abutting the 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 city clerk or manager shall cause a copy of the notice to be posted in conspicuous place on the property, and the posting shall be considered to have the same effect as personal service of notice upon the owner of the property.

(4) The person serving the notice shall file with the city clerk or manager a return of service, reciting the time, place, and manner of service. [Ord. 662 § 7, 1988]

12.15.080 City may construct, alter, or repair sidewalk.

If the sidewalk alteration or repair is not completed within 60 days after service of the notice, the public works director shall complete it if so directed by the council. Upon completion of a project, the public works director shall submit a report to the council containing an itemized statement of costs. [Ord. 662 § 8, 1988]

12.15.090 Assessment for sidewalk work done by city.

Upon receipt of the report, the council, by ordinance, shall assess the cost of the work against the property abutting the sidewalk. The assessment shall be a lien against the property and may be levied and collected in the same manner as is provided for in the city's general ordinance regarding local improvement assessment procedures. [Ord. 662 § 9, 1988]

12.15.100 Sidewalk construction requested by the property owner.

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, waives the right of service and publication of notice of construction, and consents to the assessment of the property upon which the sidewalk abuts, the council may order the construction of the sidewalk, if in its judgment the sidewalk should be built. [Ord. 662 § 10, 1988]

12.15.110 Penalty.

Violation of this chapter is punishable by a fine not to exceed \$500.00. Each day's violation of a provision of this chapter shall constitute a separate punishable offense. [Ord. 662 § 11, 1988]

**Chapter 12.20
EXCAVATION PERMITS**

Sections:

- 12.20.010 Application for permit.**
- 12.20.020 Application – Contents.**
- 12.20.030 Excavation at applicant’s expense.**
- 12.20.040 Violation – Penalty.**

12.20.010 Application for permit.

The term “destroys or mutilates” means any digging, excavation or removal of any portion of a city street for any purpose whatsoever, including but not limited to the connection with any utility service, whether it be public or private. It shall be unlawful to perform any of the foregoing without first obtaining a permit from the city clerk of the city of Burns. [Ord. 658 § 1, 1988]

12.20.020 Application – Contents.

Any person desiring to obtain a permit to dig, excavate or in any way mutilate or damage a city street shall file an application therefor in writing with the city clerk, which shall contain information showing the type and intended purpose of said digging or excavation; the length of said digging or excavation; its location; and any other information required by the city clerk. [Ord. 658 § 2, 1988]

12.20.030 Excavation at applicant’s expense.

The person desiring to obtain the aforesaid permit will be required to perform the digging or excavation at his/her own expense. All applicants shall be responsible for furnishing all materials, labor, equipment and excavation. All street replacements shall be the responsibility of the applicant. All workmanship and materials shall strictly conform to the city’s standard specifications for such work. The city public works director, or his representative shall inspect and have final approval of said work. [Ord. 658 § 3, 1988]

12.20.040 Violation – Penalty.

Any violation of this chapter shall be punishable by a fine of not less than \$100.00 or more than \$500.00, to be recovered in the Burns municipal court. [Ord. 658 § 6, 1988]

Chapter 12.25
RIGHTS-OF-WAY JURISDICTION

Sections:

- 12.25.010** **Definitions.**
- 12.25.020** **Jurisdiction.**
- 12.25.030** **Scope of regulatory control.**
- 12.25.040** **City permission requirement.**
- 12.25.050** **Obligations of the city.**

12.25.010 **Definitions.**

For the purpose of this chapter, the following mean:

- (1) City: The city of Burns, Oregon.
- (2) Person: Individual, corporation, association, firm, partnership, joint stock company, and similar entities.
- (3) Public rights-of-way: 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.
- (4) Within the city: Territory over which the city now has or acquires jurisdiction for the exercise of its powers. [Ord. 717 § 1, 1997]

12.25.020 **Jurisdiction.**

The city of Burns 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. [Ord. 717 § 2, 1997]

12.25.030 **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. [Ord. 717 § 3, 1997]

12.25.040 **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 ordinances, franchises, licenses and permits. [Ord. 717 § 4, 1997]

12.25.050 **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. [Ord. 717 § 5, 1997]