

CONTACT INFORMATION

City of Oregon City

www.orcity.org

Sidewalk (ROW) Permits

Public Works Department

Engineering Division

13895 Fir Street

971-204-4601

<https://www.orcity.org/867/Rights-of-Way-ROW-Street-Permits>

Code Compliance

Police Department

Code Enforcement Division

1234 Linn Avenue

503-905-3665

<https://www.orcity.org/660/Code-Enforcement>

Street Trees

Community Development Department

Planning Division

695 Warner Parrott Road

503-722-3789

<https://www.orcity.org/1141/Remove-Replace-a-Street-Tree>

Making it easy to get around actively is critical to the health, economy, and well-being of Oregon City. The City wants to protect neighborhoods against deteriorating influences in order to protect property values. The simple solution to code enforcement action is voluntary compliance. Oregon City requests your support by maintaining your property (including the adjacent sidewalk and planting strip) in compliance with City Code.

Your cooperation in keeping sidewalks safe and our community a more pleasant place to live and work is appreciated!

9/16/2020



Safe Sidewalks



City of Oregon City
*What you need to know
about the community
amenities adjacent to your
property*



Oregon City Municipal Code (OCMC)

To promote safety, OCMC 12.04.032 states that the property owner will be contacted to make needed repairs when a sidewalk hazard exists. OCMC 12.08.025 states that maintenance of street trees and planting strips is the responsibility of the abutting property owners.

This brochure is intended to answer some of the most common questions about rights and responsibilities in the public right-of-way (ROW).

What does this mean for me?

You and your neighbors have a right to expect Oregon City sidewalks to be in good condition and free of defects in order to prevent possible injury. Typically sidewalks are a safe haven for pedestrians. Well-maintained sidewalks help create a vibrant community. Unfortunately, tree roots, ground settlement, freezing weather, and other acts of nature can damage sidewalks.

Property owners are responsible for maintaining the sidewalk and planting strip abutting their property. This includes keeping sidewalks clear of debris such as leaves, ice, snow, weeds, and overgrown shrubs. Trees must be pruned to allow safe pedestrian and vehicle passage. A defective sidewalk is one that creates an unreasonable risk of danger to persons or property. For example, if a portion of the sidewalk is elevated enough to cause someone to trip, it is considered an unreasonable risk. ADA Standards allow for changes in level of no greater than a 1/4 inch. This is the benchmark used by the City to determine compliance.

WHY ARE THE SIDEWALKS IN MY NEIGHBORHOOD BEING INSPECTED?

Most sidewalk trip hazards in Oregon City are reported by citizens. As a general rule, City staff does not go to neighborhoods looking for violations. City Code Enforcement staff verify hazard reports in accordance with City Code and the guidelines established through the Americans with Disabilities Act (ADA). If a sidewalk is found to be defective, the Code Enforcement Division sends notice to the abutting property owner.

WHY AM I RESPONSIBLE FOR SIDEWALK DAMAGE RESULTING FROM STREET TREES?

In Oregon City, as with most cities, property owners are responsible for upkeep of street trees and sidewalks in the public right-of-way adjacent to their property. They can also be held liable for any injuries sustained as a result of defective sidewalks.

Trees provide numerous benefits (see *Planting trees* panel). Unfortunately, many homeowners inherit tree problems when purchasing homes where an inappropriate tree species was planted by the subdivision or lot developer. Lifting sidewalks and cracked curbs are common in neighborhoods developed in the 1990s and earlier when tree species were not regulated.

If your sidewalk is out of compliance due to lifting caused by the roots of a street tree, you are permitted to remove the tree per OCMC 12.08.035.A. and mitigate with one replacement tree after acquiring a permit. However, removal should be a last resort (see *Planting Trees* panel).

HOW DO I REPLACE MY SIDEWALK?

You may replace the sidewalk yourself or hire a licensed contractor. The City cannot make recommendations, but we suggest that you talk with neighbors or reputable organizations that deal with contractors. Whether you do the work yourself or hire a contractor, a right-of-way permit from the Public Works Department is required.

SIDEWALK REPAIR PROCEDURES

If a sidewalk repair is required, you will need to:

- Review website resources (see *Contact Information* panel on back)
- Contact Public Works to pay fee and acquire permit
- Construct new sidewalk per the City Standard Drawing 508. Residential driveways shall be built per City Standard Drawings 504 and 504A
- Note that panel lift patching and propping or otherwise re-grading under existing panels are not permitted
- Saw cut and remove the defective sidewalk panels, place forms for the new panels and call for inspection of the forms prior to pouring concrete
- Within 24 hours following the concrete pour, call Public Works for a final inspection
- A group sidewalk permit is available when up to one block of homes hire one contractor for their repairs

If a sidewalk panel is raised less than 1/2 inch, you may grind the sidewalk per ADA Standards. If raised more than 1/2 inch but less than 1 1/2 inch, contact the Public Works Inspector for a site visit to determine whether or not grinding can be recommended (see *Contact Information* panel on back).

WHAT IF I CHOOSE TO IGNORE A HAZARDOUS SIDEWALK NOTICE?

If you decide not to complete necessary sidewalk repairs, the City may contract out the work and assess enforcement and construction costs against the property owner.

WHAT IF SOMEONE IN MY NEIGHBORHOOD HAS A TRIP HAZARD OR SIDEWALK OBSTRUCTION?

You may contact Code Enforcement to investigate the concern and take action if there is a hazard.

PLANTING TREES...

WHAT IS THE URBAN FOREST?

Oregon City's urban forest includes all trees on private and public property. Currently, the City only regulates trees on public land (streets, parks, open space), within Overlay Districts, and on private land during the development review process.

WHO IS RESPONSIBLE FOR MAINTAINING TREES IN THE URBAN FOREST?

Property owners are responsible for the upkeep of street trees in the public right-of-way abutting their property. Most routine maintenance (such as proper pruning and cleanup of debris) can be done by homeowners and helps to keep trees healthy and streets and sidewalks clear. A certified arborist is recommended for significant work such as major pruning and is required for tree removal and replacement in the right-of-way.

Planning, Code Enforcement, and Public Works departments all work together to ensure that Oregon City's urban forest canopy is maintained and enhanced.

BENEFITS AND COSTS OF TREES

Trees provide environmental benefits such as stormwater retention, shade, wildlife habitat, and reduced energy consumption. They help to keep our water and air clean and fight climate change. Trees help to bolster property values and improve the aesthetic appeal of urban streets. Street trees help to calm traffic and provide separation between vehicles and pedestrians.

If properly selected and planted with sufficient space to grow, urban trees can provide all of these benefits at little cost.

However, trees do have a life span. Trees that are dead, diseased, or hazardous (as verified by a certified arborist) must be replaced.

RIGHT TREE, RIGHT PLACE

It is critical that the tree species chosen is appropriate for the planting area. The City has adopted a recommended list of street trees, organized according to width of the planter strip. This list helps prevent damage to infrastructure and prolong the life of the tree.

In certain subdivisions, street trees were planted that have outgrown their fairly narrow planter strips. The replacement trees need to be appropriate for constrained areas.

TREE REMOVAL IS A LAST RESORT!

Sometimes tree removal is necessary. A certified arborist can help decide if a tree should be removed and how to safely and efficiently remove trees when appropriate. Tree removal may be warranted in the following situations.

- The tree is assessed as irreparably hazardous.
- It causes hazardous conditions that are impossible to mitigate by other means.
- It causes crowding or harm to other trees.
- It is being replaced by a more suitable specimen.
- There is a mobility hazard that cannot be adequately repaired without removing the tree.
- A certified arborist is not required to determine whether root pruning to allow sidewalk repair will damage the street tree. However, if the tree becomes hazardous due to pruning you are required to replace it per OCMC 12.08.035 with the number of replacement trees based on the size of the damaged tree.