

TITLE IV

STREETS AND SIDEWALKS

CHAPTER 41

STREETS

§4.100 Authority. All maintenance and repair of public streets, alleys, sidewalks, and other public ways shall be under the supervision of the City Administrator. The City Administrator or his designee shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinance.

§4.101 Obstructions; Prohibited Acts.

- (a) It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk, or other public alley except as may be specified by ordinance or by the City Administrator.
- (b) The following acts shall be unlawful:
 - (1) To allow any defect in any pavement on any City street to remain unguarded without proper barricades and/or lights.
 - (2) To disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley, or sidewalk.
 - (3) To use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale, or to write or make any sign or advertisement on any such pavement.
 - (4) To erect or maintain any building or structure which encroaches upon any public street or property.
 - (5) To obstruct any drain in any public street or property.
 - (6) To erect any poles, wires, or maintain any poles or wires over any public place, street, alley or other public way except at the direction of the City Administrator. Utility poles may be placed only in such streets and other places as the City Administrator shall direct.
 - (7) To play any games upon any street, alley, sidewalk or other public place, where such games cause unnecessary noise or interfere with traffic or pedestrians.
 - (8) To construct or maintain any excavation, opening or

stairway in any public street or sidewalk without a permit from the City Council. All such lawfully maintained excavations and openings shall be guarded by appropriate devices marking the hazard so created. All such lawfully maintained stairways or openings shall be guarded by a suitable strong cover or railing, to the approval of the Department of Public Works Superintendent or Department Head.

- (9) To plant any tree or shrub in any public street, parkway, or other public place without having secured a permit therefore. Applications for such permits shall be made to the City Clerk and referred by him to the City Administrator. All trees and shrubs so planted shall be placed subject to the direction and the approval of the Council. No rock gardens, boulders, benches or fences shall be built or maintained in any parkway, except by the City or with the permission of the City Council.
- (10) To attach any sign, advertisement, or notice to any tree or shrub in any such public place.

§4.102 Dangerous trees.

- (a) Any tree or shrub which overhangs any sidewalk, street or other public place in the City in such a way as to impede or interfere with traffic or travel, or within ten feet of a street or seven feet of a sidewalk level, shall be trimmed by the owner of the premises abutting or of the premises on which such tree or shrub grows so that the obstruction shall cease.
- (b) Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.
- (c) The City may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with.

§4.103 Dangerous deposits on Streets. It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof or any waste material or other articles which may do injury to any person, animal or property.

§4.104 Permits and Bonds.

- (a) Where permits are authorized in this Chapter, they shall be obtained upon application to the City Clerk upon such forms as he shall prescribe, and there shall be a charge as established by a resolution of the City Council for each such permit. Such permit shall be revocable by the City Administrator for failure to comply with this Chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the City Administrator and shall be valid

only for the period of time endorsed thereon.

- (b) Application for a permit under the provisions of this Chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the City in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the City from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be not less than the following amounts, except as otherwise.' specified in this Chapter.
- (c) Every such insurance policy shall name the City as an additional insured. A duplicate executed copy or photocopy of the original of such insurance policy, approved as to form by the City Attorney, shall be filed with the City Clerk. Where cash deposits are required with the application for any permit hereunder, such deposit shall be as established by resolution from time to time by the City Council, except as otherwise specified in this Chapter, and such deposit shall be used to defray all expenses to the City arising out of the granting of the permit and work done under the permit or in connection therewith. Six (6) months after the completion of the work done under the permit, any balance of such cash deposit unexpended, shall be refunded. In any case where the deposit does not cover all costs and expenses of the City, the deficit shall be paid by the applicant.

§4.105 Emergency Openings. The City Administrator may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided, that a permit shall be obtained on the following business day and the provisions of this Chapter shall be complied with.

§4.106 Backfilling. All trenches in a public street or other public place, except by special permission, shall be backfilled in accordance with rules and regulations adopted pursuant to this Chapter. Any settlement shall be corrected within eight (8) hours after notification to do so.

§4.107 Curb Cuts. No opening in or through any curb or any street shall be made without first obtaining a written permit from the City Clerk. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (a) No single curb cut shall be less than ten (10) feet.
- (b) The minimum distance between curb cuts, except those serving residential property shall be twenty five (25) feet.

- (c) The maximum number of lineal feet of sidewalk driveway crossings permitted for, any lot, parcel of land, business or enterprise, shall be forty-five 45% of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty percent (20%) of the lineal feet of street frontage in excess of two hundred (200) feet.
- (d) The minimum distance between curb cuts, except those serving residential property, shall be twenty five (25) feet.
- (e) The necessary adjustments to utility poles, light standards, fire; hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.
- (f) All construction shall be in accordance with plans and specifications approved by the City Administrator.

§4.108 House Moving. No person shall move, transport, or convey any building, machinery, truck, or trailer more than eight (8) feet eight (8) inches wide or higher than thirteen (13) feet six (6) inches, above the surface of the roadway, into, across or along any street, or other public place in the City, without first obtaining a permit from the City Administrator. The applicant shall file written clearances from the light, telephone, gas and water utilities saying that all connections have been cut off and, where necessary, all obstructions along the proposed route of moving will be removed without delaying moving operations. In addition, clearance shall be obtained from the Police Department, approving the proposed route through the City streets and the time of moving, together with an estimated cost to the Police Department due to the moving operations. The applicant shall deposit with the City the total estimated cost to the Police Department and other City Departments, plus a cash deposit as required by Section 4.104, and shall file with the City Clerk a liability insurance policy in the amount of one hundred thousand dollars (\$100,000.00) for injury to more than one (1) person and three hundred thousand dollars (\$300,000.00) for injury to more than one person, and property damage insurance in the amount of fifty thousand (\$50,000.00).

§4.109 Clearing Ice and Snow.

- (a) **Placing Snow in Streets.** It shall be unlawful for any person to remove snow from private property and deposit it upon any roadway, alley or sidewalk of the City of Beaverton, except when said person, shall have contracted with the City of Beaverton for the removal of said snow and has paid the City the cost of said removal. The contracting, supervision, cost and method of removal shall be determined from time to time by the City Administrator.
- (b) **Evidence.** The existence of any deposit of snow or ice deposited by artificial means in the traveled portion of any street or sidewalk or within any ditch or gutter in any

street shall, be *prima facie* evidence that the occupant of the abutting property closest thereto placed or deposited the snow or ice therein.

§4.110 [Reserved.]

§4.111 Removal of encroachment. Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this Chapter. Such charges shall become a lien upon said abutting land if uncollected, pursuant to the provisions of this Code and applicable laws.

§4.112 Temporary Street Closings. The City Administrator shall have the authority to temporarily close any street, or portion thereof; when such street shall be deemed to be unsafe or temporarily unsuitable for use for any reason. He shall cause suitable barriers and signs to be erected on said street, indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over said street except as the same may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the City Administrator.

§4.113 Rules and regulations. Penalty.

The Council of the City of Beaverton shall from time to time make and adopt such rules and regulations, within its discretion, as are required to assure the public health, safety and welfare within the purposes of this Chapter. Such rules and regulations when adopted shall be and become a part of this Chapter and are enforceable hereunder, and the penalties prescribed for violation of this Code shall apply to the violation of any such rules and regulations the same as though such rules and regulations were incorporated herein.

Violation of the provisions of this Chapter shall be deemed a civil infraction subject to disposition pursuant to Article I, Chapter 7, of this Code.

Within the discretion of City officials, any violation of the provisions of this Chapter may be deemed a misdemeanor, charged and prosecuted as such, where the alleged violation involves a danger to human life, a threat to health, safety, and welfare, or personal injury is threatened or occurs.