

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: FIRE PREVENTION AND PROTECTION

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§ 90.01 ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, of which Code not less than three copies have been and now are filed in the office of the Clerk of the city, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the city.

(Ord. 71-2, passed - -1971) Penalty, see § 90.99

§ 90.02 ENFORCEMENT.

The Code hereby adopted shall be enforced by the Chief of the Fire Department.
(Ord. 71-2, passed - -1971)

§ 90.03 DEFINITION.

Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Wheeler.

(Ord. 71-2, passed - -1971)

§ 90.04 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS, STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS AND BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in § 53b of the Code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in § 74a of the Code hereby adopted, in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in § 114 of the Code hereby adopted, in which bulk storage of liquified petroleum gas is restricted, are hereby established as follows: all the area now encompassed by the present boundaries of the city.

(Ord. 71-2, passed - -1971)

§ 90.05 MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES AND BLASTING AGENTS.

The routes referred to in § 551 of the Fire Prevention Code for vehicle transporting explosives and blasting agents are hereby established as follows: Highway 101, also known as Nehalem Boulevard, with no stopping or parking within one-quarter mile of the posted city limits.

(Ord. 71-2, passed - -1971)

§ 90.06 MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING HAZARDOUS CHEMICALS OR OTHER DANGEROUS ARTICLES.

The routes referred to in § 109.1b of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: Highway 101, also known as Nehalem Boulevard, with no stopping or parking within one-quarter mile of the posted city limits.

(Ord. 71-2, passed - -1971)

§ 90.07 FIRE LANES ON PRIVATE PROPERTY DEVOTED TO PUBLIC USE.

The fire lanes referred to in § 169.2a of the Fire Prevention Code are hereby established as follows:

(A) The alley driveway between the City Center Motel and the Wheeler Motor Services, which leads to the rear of the Rinehart Clinic Building and Buffington's Food Store entrance from Rector Street;

(B) The driveway to the rear of the Wheeler Pharmacy Building and the Wheeler Inn Building entrance from Rorvik Street; and

(C) The alley driveway to the rear entrance of the Wheeler Inn Building alley entrance off Hall Street.

(Ord. 71-2, passed - -1971)

§ 90.08 MODIFICATIONS.

The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

(Ord. 71-2, passed - -1971)

§ 90.09 APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision appealed.

(Ord. 71-2, passed - -1971)

§ 90.99 PENALTY.

(A) Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50 no more than \$500. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

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(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 71-2, passed - -1971)

CHAPTER 91: NUISANCE REGULATIONS

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GENERAL PROVISIONS**§ 91.001 SHORT TITLE.**

This chapter shall be known and may be cited as the "Nuisance Ordinance", and may be referred to herein as "this chapter".

(Ord. 2012-03, passed 10-16-2012)

§ 91.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADJACENT. Nearby or close to. A street tree shall be considered **ADJACENT** to property if the tree would be within the lateral boundaries of the property if those boundaries were extended to meet the nearest portion of roadway.

ANIMAL AT LARGE. An animal off or outside the premises of the owner or person in charge of the animal, not restrained by a rope, line, leash, chain or other similar means, or not under the immediate control, restraint and command of the person or its owner.

CITY REPRESENTATIVE. The City Manager or the City Manager's designee responsible for representing the city's interest in a nuisance abatement proceeding.

COSTS. The expense of removing, storing or disposing of nuisances, including a charge of 20% of the expense for administrative overhead.

DANGEROUS ANIMAL. Any non-human animal that is of a wild or predatory nature, and constitutes an unreasonable danger to human life or property. A **DANGEROUS ANIMAL** includes, but is not limited to, snakes of the family Pythonidae or Boinae, unless incapable of growing to eight feet or more in length; any alligator, crocodile or caiman; and any poisonous or venomous reptile.

DISCARDED VEHICLE. A vehicle that is not legally operable on a public street, wrecked, dismantled, partially dismantled, abandoned, junked or major parts of discarded vehicles including, but not limited to, bodies, engines, transmissions and rear ends.

PERSON IN CHARGE OF PROPERTY. An agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property or the supervision of any construction project.

PERSON RESPONSIBLE. The person responsible for abating a nuisance includes:

- (1) The owner of the property;
- (2) The person in charge of property as defined above; and
- (3) The person who caused a nuisance to come into or continue in existence.

PHYSICALLY IMPAIRED PERSON. A person who is permanently physically impaired, whose physical impairment limits one or more of daily life activities, and who has a record of impairment and is regarded by health care practitioners as having such an impairment requiring the use of an assistance animal, including but not limited to blindness, deafness and complete or partial paralysis.

PUBLIC PLACE. A building, way, place or accommodation, whether or not privately or publicly owned, open and available to the general public.

PUBLIC RIGHT-OF-WAY. Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways and sidewalks and bicycle trails.

ROADWAY. The portion of the public right-of-way that is improved and designed for use by motor vehicles.

SIDEWALK. The portion of the public right-of-way designed for preferential or exclusive use by a pedestrian.

TOP or TOPPED. Cutting or removing the terminal leaders in the crown of an ornamental shade or flowering tree or conifer to an extent that removes the normal canopy and disfigures the tree.

VEHICLE. Every device in, on or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively on stationery rails or tracks.

(Ord. 2012-03, passed 10-16-2012)

§ 91.003 SIDEWALKS AND CURBS; ABUTTING PROPERTY OWNER'S DUTIES AND LIABILITIES.

(A) Property owners shall maintain at all times any sidewalk or curb adjacent to their land in a reasonably safe condition and shall be liable for any damage or injury by a failure to do so.

(B) No recourse whatsoever shall be had against the city, its Council, Mayor, employees or agents for damage or loss to person or property arising out of the negligent or otherwise harmful maintenance of any sidewalk or curb.

(C) The existence of sidewalks, curbs or monolithic curbs and gutters in such condition as to present an unreasonable risk of danger to persons or property hereby is declared to be a public nuisance and may be abated by any of the procedures set forth in §§ 91.085 through 91.092.

(D) A person who owns property that abuts a sidewalk, curb or monolithic curb and gutter in such condition as to present an unreasonable risk of danger to persons or property is civilly liable for all claims arising from that condition notwithstanding the person's notice of the condition and notwithstanding the time period allowed by law to correct the condition before abatement as a public nuisance.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

ANIMAL NUISANCES

§ 91.015 DANGEROUS ANIMALS.

No owner or person in charge of any dangerous animal, wild or domesticated, shall permit such animal to run at large in the city.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.016 LIVESTOCK AND POULTRY.

Livestock and poultry shall be kept or maintained by city permit only as defined by city ordinance or code.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.017 ANIMALS AT LARGE.

Except for animals of the species *Felis Catus* (domestic cat), no owner or person in charge of an animal shall permit the animal to run at large in the city.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.018 REMOVAL OF ANIMAL EXCREMENT.

Any person responsible for any animal, except for animals of the species *Felis Catus* (domestic cat), shall be in possession of tools for the removal of, and shall remove, excrement deposited by the animal in any public area not designed to receive those wastes, including, but not limited to, streets, sidewalks and parking strips.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.019 REMOVAL OF CARCASSES.

No person shall permit an animal carcass owned or controlled by the person to remain upon public property, or to be exposed on private property, for a period of time longer than is necessary to remove or dispose of the carcass.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

NUISANCES AFFECTING PUBLIC HEALTH AND SAFETY**§ 91.030 PUBLIC HEALTH.**

No person shall cause or permit a nuisance affecting the public health on property the person owns or controls. The following are nuisances affecting the public health, and may be abated as provided in this chapter.

(A) *Privies*. An open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the State Health Division regulations.

(B) *Debris*. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the city.

(C) *Stagnant water*. Stagnant water which affords a breeding place for mosquitoes and other insect pests.

(D) *Water Pollution.* Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

(E) *Food.* Decayed or unwholesome food that is offered for human consumption.

(F) *Odor.* Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.

(G) *Surface drainage.* Drainage of liquid wastes from private premises.

(H) *Cesspools.* Cesspools or septic tanks that are in an unsanitary condition or which cause an offensive odor for which a special permit has not been obtained.

(I) *Failure to connect to city sewer system.* Failure to connect to city sewer system when the property requires sewage disposal.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.031 ATTRACTIVE NUISANCES.

(A) No owner or person in charge of property shall permit on the property:

(1) Abandoned or discarded iceboxes, refrigerators or similar containers, without first removing the doors;

(2) Unguarded machinery, equipment or other devices which are attractive, dangerous and accessible;

(3) Lumber, logs, building material or piling placed or stored in a manner so as to be attractive, dangerous and accessible;

(4) An open pit, quarry, cistern or other excavation without safeguards or barriers; or

(5) An exposed foundation or portion of foundation, any residue, debris or any other building or structural remains for more than 30 days after the destruction, demolition or removal of any building or portion of the building.

(B) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.032 VACANT BUILDINGS.

(A) *VACANT BUILDING* as used herein means a building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business or residence for more than 60 days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A *VACANT BUILDING* also includes any building under construction where no substantial work has taken place for more than 180 days. *VACANT BUILDING* does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair and does not otherwise constitute a nuisance.

(B) A vacant building, including adjoining yard areas, shall be maintained free of debris, garbage, graffiti, litter, portable toilets, rodents and standing water.

(C) A vacant building shall be kept secure from the unauthorized entry of persons by any methods deemed effective and approved by the city.

(D) If an address has been assigned, a vacant building shall display address numbers on the exterior of the building that are plainly visible from the street.

(E) A vacant building that is not maintained or that has repeatedly been entered by unauthorized persons, or is allowed to be unsecured or open to entry by unauthorized persons, is declared a public nuisance and subject to abatement.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.033 NOXIOUS VEGETATION.

(A) The term *NOXIOUS VEGETATION* does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of division (B) below.

(B) The term *NOXIOUS VEGETATION* includes those plants identified by the State Department of Agriculture or those expressly stated in this chapter:

(1) Weeds more than 12 inches high and/or that are going to seed; blackberry bushes that extend into a public thoroughfare or across a property line;

(2) Grass more than 12 inches high and not within the exception stated in division (A) above;

(3) Vegetation that is:

(a) A health hazard;

(b) A fire hazard; or

(c) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(4) The types of vegetation defined in the Development Code as nuisance, applicable to significant natural resource areas.

(C) No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting the property.
(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.034 GRAFFITI.

(A) No person shall place, or cause to be placed, graffiti upon any property in the city. No owner or occupant of property shall allow graffiti to be on the property. Property upon which graffiti has been placed and has remained for more than seven days is hereby declared to be a public nuisance, and shall be subject to the provisions relating to summary abatement.

(B) **GRAFFITI** is defined as any unauthorized drawing, inscription, etching or scorching made on a wall, fence, building, sidewalk or other structure, that is visible from public rights-of-way, bike paths, walking paths, sidewalks, publicly-owned property or premises open to the public.
(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.035 RUBBISH.

(A) No person shall cause to be placed upon public or private property any kind of rubbish, trash, debris, refuse or other substance that creates a stench or a fire hazard, detracts from the cleanliness or safety of the property, or constitutes an unreasonable danger to human life or property.

(B) No person shall cause rubbish, trash, debris or refuse to be placed in a dumpster, drop box, garbage can or other container unless the person either owns or has authority to use the container.
(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.036 SURFACE WATERS; DRAINAGE.

(A) No owner or person in charge of any building or structure shall cause, suffer or permit rain water, ice or snow to fall from the building or structure onto a street or public sidewalk or to allow concentrated water flow across the sidewalk.

(B) The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about the building does not flow across the sidewalk.
(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.037 OBSTRUCTING PUBLIC RIGHT-OF-WAY.

Except as otherwise allowed by city ordinance, resolution or permit, no person shall obstruct any public right-of-way, or portion of it, or place or cause to be placed on it anything tending to obstruct or interfere with the full and free use of the public right-of-way or in any degree interfere with the normal flow of pedestrian or vehicular traffic.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.038 OBSTRUCTING PUBLIC EASEMENTS.

(A) No person shall obstruct any sewer or water easement, or portion of it, or place or cause to be placed on it or maintain or allow to remain on it anything tending to obstruct or interfere with the sewer or water easement.

(B) The city may authorize conditions which encumber its easements upon written authorization of officers, agents or employees having authority to grant the obstruction.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

NUISANCES AFFECTING THE PUBLIC PEACE

§ 91.050 RADIO AND TELEVISION INTERFERENCE.

(A) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

(B) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.051 UNNECESSARY NOISE.

(A) No person shall make, assist in making, continue or cause to be made any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

(B) No person or business shall create, assist in creating, continue or permit the continuance of unreasonable noise in the city between the hours of 10:00 p.m. and 7:00 a.m. unless a special event license or a permit has been granted by the city for a specific time and occasion.
(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.052 EXTERIOR LIGHTING.

(A) No person shall knowingly allow or direct an exterior lighting fixture to shine light that unreasonably interferes with another person's use or enjoyment of property or shine direct rays of light into a significant natural resource area, vegetated corridor, water quality sensitive area or preserved habitat benefit area.

(B) Lighting fixtures must be a full cut-off design that is shielded, hooded and oriented towards the ground so that direct rays of the lighting source are not visible past the property boundaries and do not shine into the night sky.
(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.053 POSTING NOTICES OR ADVERTISEMENTS.

(A) (1) No person shall affix, post, place, attach, secure, nail, staple, lay or otherwise deliver or cause to be delivered any placard, handbill, advertisement, leaflet, poster or printed material of any nature upon real or personal property when such property is legibly signed with a notice prohibiting such delivery.

(2) The notice required by this section shall be deemed adequate if it is not less than ten square inches, is visible and legible from the place where the material was delivered and states "No Posting" or words of similar effect.

(B) No person shall affix, post, place, attach, secure, nail, staple, lay or otherwise deliver or cause to be delivered any placard, handbill, advertisement, leaflet, poster or printed material of any nature upon public property unless a permit has been obtained from the city.

(C) No person shall affix, post, place, attach, secure, nail, staple, lay or otherwise deliver or cause to be delivered any placard, handbill, advertisement, product sample, leaflet, poster or printed material of any nature at a residence without the permission of the owner or resident.

(D) This section shall not be construed to limit the city regarding notices that are required by this code or other city ordinances and shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use and location of signs and advertising.

(E) This section shall not be construed to limit delivery of items regularly received through the United States Postal Service, nor the delivery of goods or services ordered by the owner, resident or other person in charge of the property.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

§ 91.055 GENERAL NUISANCE.

(A) When, in the opinion of the city representative, a nuisance exists which is not specifically enumerated in this code, a public hearing before the Council may be held for Council determination of whether a nuisance in fact exists. Every thing, substance or act which is determined by the Council at a public hearing to be offensive, injurious or detrimental to the public health, safety or welfare of the city shall be declared to be a nuisance and may be abated as provided in this code.

(B) Prior to the public hearing, the city representative shall cause a notice to be posted on the premises or at the site of the alleged nuisance and shall cause a notice to be forwarded to a person responsible at the person's last known address.

(1) Any error in mailing shall not make the notice void and in such case the posted notice shall be sufficient.

(2) The notice shall contain:

(a) A description of the real property by street address or otherwise on which the nuisance exists;

(b) A general description of the thing, substance or act which is alleged to be a nuisance;

(c) A statement outlining necessary corrective measures to abate the nuisance;

(d) A statement that, unless the corrective measures are taken within ten days of the date of posting, that the City Council will schedule a public hearing for the purpose of determining on the record whether a nuisance indeed exists, and if it is decided that a nuisance does exist and is not abated within ten days after the Council's determination or such time as the Council may set, the city may issue a civil infraction citation or may abate the nuisance and the cost of abatement shall be charged to the person responsible or assessed against the property or both;

(e) The date of the proposed public hearing which shall be at least 30 days later than the date of posting; and

(f) A statement that the person responsible may attend the public hearing and that the person or legal representative of the person may submit evidence and argument relative to the question of whether a nuisance exists.

(C) If corrective measures are not taken within a period established by the city representative at the time of posting, the city representative shall cause a notice to be forwarded to a person responsible and shall cause a notice to be posted on the premises or at the site of the alleged nuisance giving notice of a public hearing before the City Council.

(1) At the time set for the public hearing, the Council will hear the matter de novo and may consider any material it deems relevant and probative.

(2) The Council shall allow argument by a person responsible or his or her legal representative and by the city representative.

(3) The Council shall make its decision based upon a determination of whether the thing, substance or act is offensive, injurious or detrimental to the public health, safety or welfare of the city.

(4) The Council, after hearing the matter, may determine that no nuisance exists, determine that a nuisance exists and order its abatement, impose conditions on the person responsible, or delay the time for abatement of the nuisance.

(5) The Council shall make written findings in support of its decision when a nuisance is determined to exist, and its decision shall be final.

(Ord. 2012-03, passed 10-16-2012)

VEHICLES AS PUBLIC NUISANCE

§ 91.070 DISCARDED VEHICLE.

(A) The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

(B) No person shall store or permit the storing of a discarded vehicle upon private property within the city, unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing with junked vehicles lawfully conducted within the city.

(C) The presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance that may be abated in accordance with the provisions of this chapter and result in the issuance of a civil infraction complaint.

(Ord. 2012-03, passed 10-16-2012) Penalty, see § 10.99

ABATEMENT PROCEDURES

§ 91.085 NOTICE.

(A) If the city representative is satisfied that a nuisance as defined by this chapter exists, the representative shall cause a notice to be posted on the premises or at the site of the nuisance directing the person responsible to abate the nuisance.

(B) At the time of posting, a copy of the notice shall be forwarded to the person responsible at the person's last known address.

(C) The notice to abate shall contain:

(1) A description of the real property by street address or otherwise, on which the nuisance exists;

(2) A direction to abate the nuisance within ten days from the date of posting;

(3) A description of the nuisance and a reference to the ordinance or code section number involved;

(4) A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement shall be charged to the person responsible or assessed against the property, or both;

(5) A statement that the person responsible may protest the order to abate by giving written notice to the City Manager within ten days from the date of posting;

(6) A statement that failure to abate a nuisance may result in abatement by the city and/or the issuance of a civil infraction citation; and

(7) If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that all or part of the abatement costs not paid by the person responsible will be assessed to and become a lien on the property.

(D) On completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting.

(E) An error in the notice mailed shall not make the notice void and in such a case the posted notice shall be sufficient.

(Ord. 2012-03, passed 10-16-2012)

§ 91.086 ABATEMENT BY A PERSON RESPONSIBLE.

(A) Within ten days after the posting and mailing of the notice as provided in § 91.085, a person responsible shall remove the nuisance or show that no nuisance exists.

(B) A person responsible, protesting that no nuisance exists, shall, within ten days after posting, file with the City Manager a written statement specifying the basis for protesting.

(1) The City Manager shall give the person responsible who files a written protest notice of the date and time when the Council will consider the abatement.

(2) The notice from the City Manager shall be mailed by regular mail at least five days prior to the Council hearing.

(3) The failure to file a written statement waives any objection that the person may have to the finding that a nuisance exists or to the abatement of the nuisance by the city.

(C) The statement shall be referred to the Council as part of the Council's regular agenda at its next succeeding meeting or at such time as may be convenient.

(1) At the time set for the public hearing, the Council will hear the matter de novo and may consider any material it deems relevant and probative.

(2) The Council shall allow argument by a person responsible or then-legal representative and by the city representative.

(3) The Council shall make its decision based upon a determination of whether the thing, substance or act is offensive, injurious or detrimental to the public health, safety or welfare of the city.

(4) The Council, after hearing the matter, may determine that no nuisance exists, determine that a nuisance exists and order its abatement, impose conditions on the person responsible or delay the time for abatement of the nuisance.

(5) The Council shall make written findings in support of its decision when a nuisance is determined to exist, and its decision shall be final.

(6) Council determination shall be required only in those cases where a written statement has been filed as provided.

(D) If the Council determines that a nuisance does in fact exist, a person responsible shall abate the nuisance within ten days after the Council's determination, unless the Council has delayed the time pursuant to division (C) above.

(Ord. 2012-03, passed 10-16-2012)

§ 91.087 ABATEMENT BY THE CITY.

(A) If the nuisance has not been abated by a person responsible within the time allowed, the city may abate the nuisance or cause it to be abated.

(B) The city representative charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property in accordance with law to investigate or cause the removal of a nuisance. The city representative shall have the authority to dispose of all seized property in any manner deemed suitable and shall, if practical, attempt to obtain salvage value for material which per item has a fair market value in excess of \$25 as determined by the city representative.

(C) The City Manager shall keep an accurate record of the costs incurred by the city in physically abating the nuisance.

(Ord. 2012-03, passed 10-16-2012)

§ 91.088 ASSESSMENT OF COSTS AND ENTRY OF LIEN.

(A) The city representative, by certified mail and regular first class mail, postage prepaid, shall send to the owner and the person responsible a notice stating:

(1) The total cost of abatement pursuant to § 91.087, including the cost of administrative overhead minus any salvage value pursuant to § 91.087(B);

(2) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days of the date of mailing of the notice;

(3) That for the period until the 30-day notice has lapsed, the City Manager shall temporarily enter the cost of abatement in the city's lien docket; and

(4) That if the property owner or the person responsible objects to the cost of the abatement as indicated, a written notice of objection may be filed with the City Manager not more than ten days after the date the notice was mailed, in the event that the certified mail and regular first class mail, postage prepaid, is returned to the city by the postal service, then the city representative shall post the notice on the property in question or publish the notice two times in a newspaper of general circulation.

(B) If an objection is received on or before the expiration of ten days after the date the notice was mailed, or the date the notice was posted or published, whichever is later, the City Manager, in the regular course of business, shall hear any timely objection and determine the costs to be assessed. The Finance Director's determination shall be by written order.

(C) The property owner or person responsible may appeal the City Manager's decision to the City Council by making a written request to the City Manager within ten days of the City Manager's determination. If the costs of the abatement are not appealed in a timely manner and not paid within 30

days from the date the notice was mailed, or the date the notice was posted or published, whichever is later, an assessment of the costs of abatement shall be entered into the city's permanent lien docket and shall become a final lien on the property from which the nuisance was abated. In the event of a timely objection or appeal, the assessment, if any, shall be entered upon conclusion of the objection or appeal process.

(D) The city may include in one foreclosure proceeding as many accounts as the city may have against separate properties for abating nuisances pursuant to this chapter and may proceed to assess and collect single lot assessments against each of them in a single proceeding.

(E) An error in the name of the person responsible shall not void the assessment, nor will a failure to receive the notice of the total cost of abatement render the assessment void, but it shall remain a valid lien against the property

(Ord. 2012-03, passed 10-16-2012)

§ 91.089 ABATEMENT; JOINT RESPONSIBILITY.

If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

(Ord. 2012-03, passed 10-16-2012)

§ 91.090 ABATEMENT; NOXIOUS VEGETATION.

(A) Whenever procedures are instituted to abate a nuisance defined under § 91.033, the required mailings of notice may be performed by use of ordinary mail.

(B) The notice may be supplemented with a statement that the city, for a given fee, will cut the noxious vegetation at the written request of the person responsible.

(Ord. 2012-03, passed 10-16-2012)

§ 91.091 OTHER METHODS OF COLLECTION OF COSTS.

The costs assessed for abatement of a nuisance may be collected pursuant to O.R.S. 30.310 or 30.315.

(Ord. 2012-03, passed 10-16-2012)

§ 91.092 SUMMARY ABATEMENT.

(A) The city representative may proceed summarily to abate a nuisance that imminently endangers human life or property.

(B) Notwithstanding § 91.085, a person responsible for the nuisance condition shall pay the cost of abatement incurred by the city pursuant to § 91.087, and the property shall be subject to an assessment and placement of a lien in accordance with § 91.088.

(Ord. 2012-03, passed 10-16-2012)

CHAPTER 92: STREETS AND SIDEWALKS

Section

Street Standards

- 92.01 Purpose
- 92.02 Definitions
- 92.03 Improvements, extension, development of new street
- 92.04 Widths
- 92.05 Cul-de-sacs
- 92.06 Grades
- 92.07 Construction standards
- 92.08 Alternative street design approval
- 92.09 Excavations
- 92.10 Warranty
- 92.11 Damage due to development
- 92.12 Drainage easement
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- 92.14 Images

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- 92.42 Liability for sidewalk injuries
- 92.43 Standards and specifications
- 92.44 Submission of plans
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- 92.67 City permission requirement; obligations of the city
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STREET STANDARDS

§ 92.01 PURPOSE.

The following provisions shall be held to be the minimum requirements adopted by the city for the protection of the public health, safety and welfare. Such provisions are intended to provide for orderly and safe street design, construction and repair.

(Ord. 93-2, passed 7-20-1993)

§ 92.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARTERIAL STREET. A street of considerable length which is primarily used to move large volumes of traffic through the city, and between the city and other destinations.

CITY. The City of Wheeler.

COLLECTOR STREET. A street intended to conduct traffic from minor streets to arterial streets, and provide access to abutting property.

LAND DEVELOPER. Any person developing one or more lots.

MINOR STREET. A street intended primarily for access to abutting property, and not for through traffic.

PERMIT. City of Wheeler street construction/excavation permit.
(Ord. 93-2, passed 7-20-1993; Ord. 97-03, passed 5-20-1997)

§ 92.03 IMPROVEMENTS, EXTENSION, DEVELOPMENT OF NEW STREET.

(A) Before a land developer or divider can receive approval for the improvement of a city street or the extension or development of a new street, he or she shall execute and file with the City Manager an agreement between him or her and the city, specifying the period within which he or she or his or her agent or contractor shall complete all improvement work required by or pursuant to the applicable city ordinances and resolutions, and providing that if he or she shall fail to complete the work within the period of time specified, the city may complete the work and recover the full cost and expense thereof from the developer or divider.

(B) The agreement may also provide for an extension of time under conditions therein specified.

(C) In addition to the other requirements, improvements installed in the city by a developer or divider either as a requirement of the city or at his or her own option, shall be installed in accordance with the following procedure.

(1) Work shall not begin until plans have been checked for adequacy and approved by the City Planning Commission, to the extent necessary for evaluation of the development proposal. The street plans may be required before approval of the development plan or the tentative plan of a subdivision.

(2) Work shall not begin until the city has been given 24 hours' advance notice. If the work is discontinued for any reason, it shall not be resumed until the city has been notified.

(3) Improvements shall be constructed to the satisfaction of the city, the city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the finishing of such streets or as specifically set forth in the approved plans. Stubs for service connections for underground utilities and sanitary sewers shall be extended far enough from the street improvements so that such improvements will not be disturbed when service connections are made.

(5) A map showing public improvements as built shall be filed with the City Manager upon completion of the improvements.

(6) The city may refuse to issue any building permits for properties served by such improved streets until all conditions of this or any other city ordinance or resolution have been met.
(Ord. 93-2, passed 7-20-1993)

§ 92.04 WIDTHS.

	<i>Right-of-Way Width</i>	<i>Base Width</i>	<i>Gravel Width</i>	<i>Paving Width</i>	<i>Shoulder Width (x2)</i>
Arterial	50 feet	32 feet	32 feet	24 feet	5 feet
Collector	50 feet	32 feet	32 feet	22 feet	5 feet
Minor	50 feet	26 feet	26 feet	20 feet	3 feet

(Ord. 93-2, passed 7-20-1993)

§ 92.05 CUL-DE-SACS.

A cul-de-sac will be as short as possible and will have a maximum length of 400 feet and serve building sites for not more than 13 dwelling units. A cul-de-sac shall terminate with a circular turnaround with a minimum radius to the curb of 40 feet.

(Ord. 93-2, passed 7-20-1993)

§ 92.06 GRADES.

Grades shall not exceed 6% on arterial streets, 10% on collector streets or 12% on minor streets. Grades in excess of these requirements require approval of the City Planning Commission. Should there be a need to replat undeveloped city streets, centerline radii of curves will not be less than 300 feet on arterial streets, 200 feet on collector streets or 100 feet on minor streets, and will be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City Planning Commission may accept steeper grades and sharper curves.

(Ord. 93-2, passed 7-20-1993)

§ 92.07 CONSTRUCTION STANDARDS.

(A) Clearing, leveling, grading and drainage shall be approved by the city prior to start of construction. Plans shall be designed by an engineer to city standards.

(B) Base rock shall be approved by the city. Aggregates for aggregate base shall be crushed gravel or crushed rock, including sand.

(C) For minor streets, base rock shall be eight-inch depth minimum. Three-quarter-inch minus gravel shall be two inches depth minimum and applied on top of the base rock.

(D) For arterial and collector streets, base rock shall be ten inches deep minimum. Three-quarter-inch minus gravel shall be two inches deep minimum and applied on top of the base rock.

(E) Shoulders shall be three-quarter inch minus gravel with a compacted depth of two inches.

(F) Compaction of base rock shall be at each five-foot lift. Each layer shall be spread and compacted to the full width of the course before a succeeding layer is placed. The surface of each layer of base shall be compacted by self-propelled rollers capable of compacting materials to a firm, even surface. Acceptable rollers are steel wheel rollers capable of providing a weight of not less than 200 pounds per inch width of the compression roll or pneumatic tire rollers capable of exerting, a ground pressure of not less than 80 pounds per square inch of tire contact area. Vibratory rollers shall provide compaction of demonstrated equivalency to that of prescribed steel wheel or pneumatic tire rollers. Rolling shall continue until there is no appreciable reaction or yielding under the roller.

(G) Asphaltic concrete pavement shall be required for all streets and shall be two-inch minimum compacted depth for minor streets, and two and one-half inch minimum compacted depth for arterial and collector streets.

(H) The type and weight of rollers used to compact the asphaltic concrete shall be sufficient to compact the mixture to the desired density while it is still in a workable condition. The use of equipment which crushes the aggregate to an appreciable extent will not be permitted.

(I) The density of asphaltic concrete as determined by AASHTO T-230 shall be a minimum of 90% of the maximum density determined in accordance with AASHTO T-209.

(J) Density samples and tests will be taken as frequently and at such locations as the city elects, and the result will be made known to the contractor as soon as is practically possible. When it is determined that the desired density is not being obtained, all paving operations will be discontinued until corrective measures have been taken.

(Ord. 93-2, passed 7-20-1993)

§ 92.08 ALTERNATIVE STREET DESIGN APPROVAL.

Proposed street improvements which do not meet the standards of § 92.07 may be approved by the City Council.

(Ord. 93-2, passed 7-20-1993)

§ 92.09 EXCAVATIONS.

(A) No person, firm or corporation shall open a street surface, dig within the roadway of a street or otherwise substantially alter a public road or street surface without first obtaining permission from the city. Application forms shall be provided by the city and approved by the Public Works Supervisor prior to the start of any excavation. The Public Works Supervisor is authorized and directed to grant a permit to do those things as requested in the permit application where it appears to the satisfaction of the Public Works Supervisor, that upon completion of construction by the contractor, the street surface will be replaced in as good or better condition as originally found.

(B) Permanent street repairs shall be finished by the contractor within two weeks following the completion of the excavation work. Permanent repairs shall conform to the standards in § 92.07. All repair work shall be inspected and approved by the Public Works Supervisor or his or her designee.

(C) Temporary street repairs shall be finished by the contractor within two weeks following the completion of the excavation work. A temporary cold patch shall only be permitted during periods when hot mix is not locally available. For good cause, the Public Works Supervisor may grant an extension of two weeks to complete required repair work.

(D) The contractor shall be responsible for maintaining the excavation site in a safe and orderly manner. Signing, barricades and flagger where appropriate shall be provided by the contractor.
(Ord. 93-2, passed 7-20-1993) Penalty, see § 92.99

§ 92.10 WARRANTY.

All construction and excavation work within the city shall be subject to a one-year warranty period. Should any construction or excavation work fail during the warranty period, the contractor responsible for such work shall repair the defective work, failure of the contractor to comply with the requirements of this section shall be considered a violation.

(Ord. 93-2, passed 7-20-1993) Penalty, see § 92.99

§ 92.11 DAMAGE DUE TO DEVELOPMENT.

Damage to public streets related to, or caused by the development of building sites or the extension of city streets, as determined by the Public Works Supervisor, shall be repaired so that the street surface shall be in as good or better condition as before the damage occurred.

(Ord. 93-2, passed 7-20-1993)

§ 92.12 DRAINAGE EASEMENT.

Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved by the contractor in a manner approved by the city.

(Ord. 93-2, passed 7-20-1993)

§ 92.13 INSURANCE AND INDEMNIFICATION OF CITY.

(A) The contractor shall take out and maintain such public liability and property damage liability insurance and automobile public liability and property damage liability insurance as shall protect him or her or her, the city and any subcontractor performing work covered by the permit from claims for damages, for personal injury including accidental death, as well as from claims for property damage which may arise from operations under the permit, whether such operations by himself or herself or by

any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than:

(1) Public liability insurance in an amount not less than \$250,000 for injuries including wrongful death to any one person, and subject to the same limit for each person in an amount not less than \$500,000 for each occurrence; and

(2) Property damage liability insurance in an amount not less than \$100,000 for damages for each occurrence.

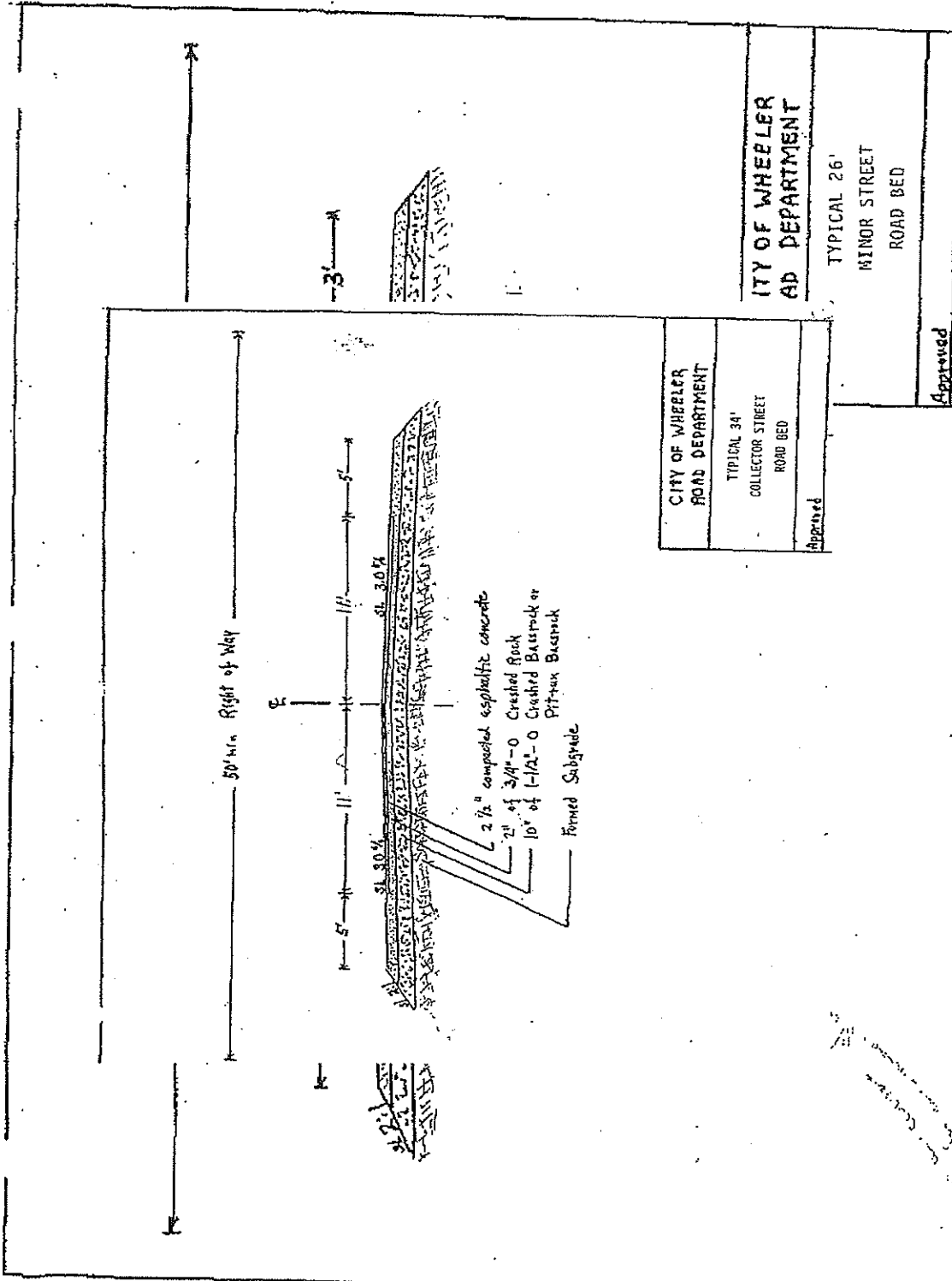
(B) The contractor's public liability insurance and property damage liability insurance shall provide the primary coverage on all claims arising out of the performance under the permit, and shall name the city, its officers, agents and employees additional named insureds therein.

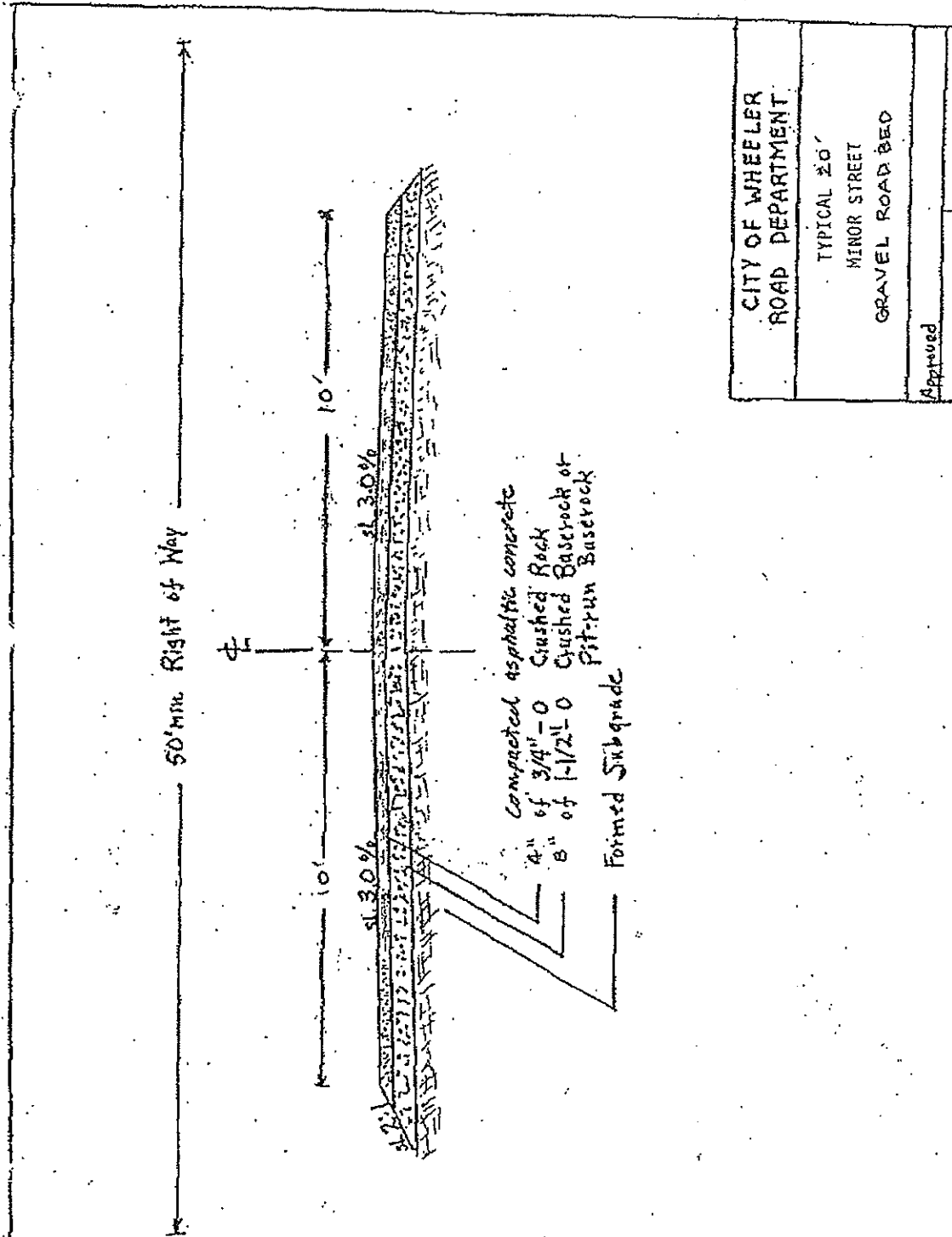
(Ord. 93-2, passed 7-20-1993)

§ 92.14 IMAGES.

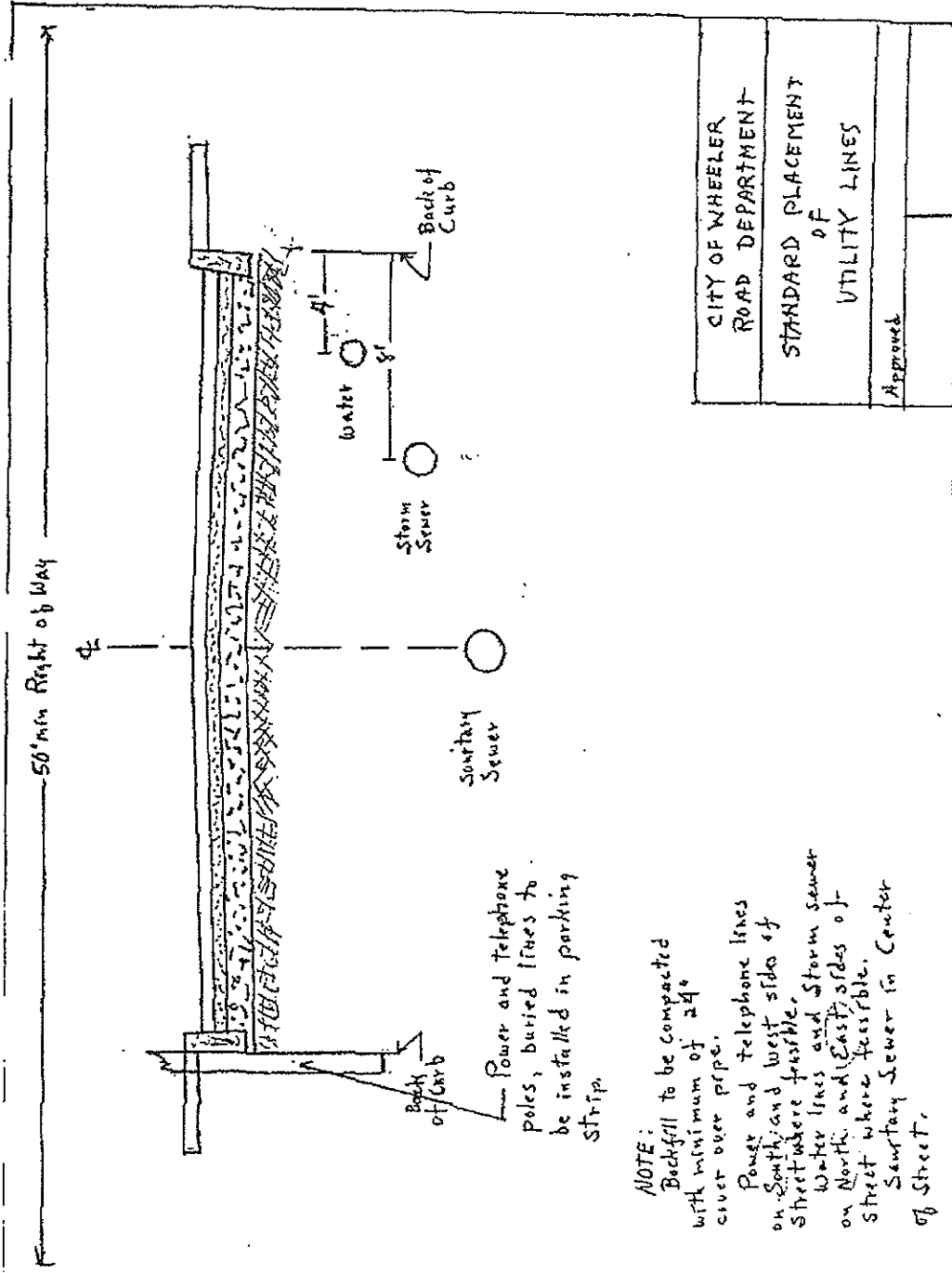
See images on following pages.

Wheeler - General Regulations

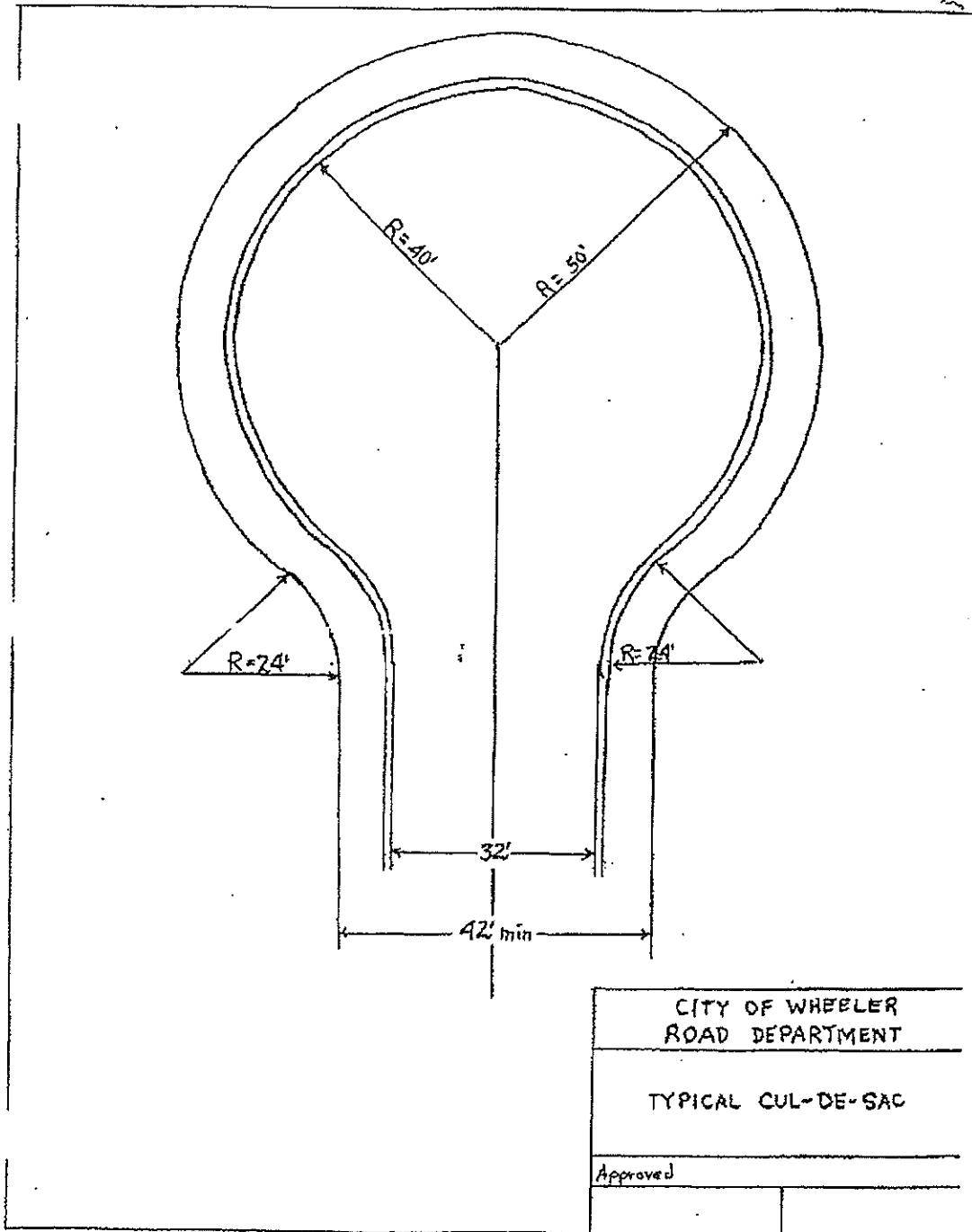




Wheeler - General Regulations



NOTE:
Backfill to be compacted with minimum of 24% cover over pipe.
Power and telephone lines on South and West side of Street where feasible. Water lines and Storm sewer on North and East side of Street where feasible. Sanitary Sewer in Center of Street.



*DRIVEWAY REGULATIONS***§ 92.25 APPLICATION FOR PERMIT.**

Any property owner desiring to create an access from his or her lot to a city right-of-way shall apply to the city for a driveway approach construction permit on form(s) provided by the city.
(Ord. 2002-07, passed 12-17-2002)

§ 92.26 DRIVEWAY APPROACH.

Any driveway connecting to a paved city street shall have a driveway approach that is paved or surfaced with asphalt or concrete from the paved street surface to the property line, or for ten feet, whichever is farther.
(Ord. 2002-07, passed 12-17-2002)

§ 92.27 MINIMUM STANDARDS.

The City Public Works Department shall develop minimum standards for driveway approaches which shall include a culvert under the approach.
(Ord. 2002-07, passed 12-17-2002)

§ 92.28 PERMIT EXPIRATION; ADMINISTRATION FEE; LIEN.

A driveway approach construction permit shall be valid for one year. If a driveway approach is not completed in that time, the city may take appropriate action to complete the driveway approach and bill the property owner for actual costs plus a 10% administration fee. If the billed amount is not paid within one month, it will become a lien against the property.
(Ord. 2002-07, passed 12-17-2002)

*CONSTRUCTION, ALTERATION AND REPAIR OF SIDEWALKS***§ 92.40 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Wheeler, Tillamook County, Oregon.

CITY ADMINISTRATOR/CITY MANAGER. The person responsible to the Council for the execution of the city's office activities.

CITY ENGINEER. The engineer or firm of engineers so designated by the City Council.

COUNCIL. The City Council of the City of Wheeler, Oregon.

OWNER. The recorded holder of the legal title to the land in question or the contract purchaser of the land in question.

SIDEWALKS. 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 any culvert located in such part of the street.

SUPERINTENDENT OF PUBLIC WORKS. The person responsible to the Council for planning, organizing, directing and controlling the function of the city's Public Works Department.
(Ord. 89-4, passed 10-17-1989)

§ 92.41 REPAIR OF SIDEWALKS.

The owner of land abutting a sidewalk shall maintain the sidewalk in good repair and safe condition.
(Ord. 89-4, passed 10-17-1989) Penalty, see § 92.99

§ 92.42 LIABILITY FOR SIDEWALK INJURIES.

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

(B) 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, such owner shall promptly reimburse the city for the amount of damages thus paid, and for city's 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. 89-4, passed 10-17-1989)

§ 92.43 STANDARDS AND SPECIFICATIONS.

Sidewalks shall be constructed, altered and repaired in accordance with standards and specifications set forth in drawings in § 92.50.

(Ord. 89-4, passed 10-17-1989)

§ 92.44 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 will be made to the City Administrator/City Manager. The City Administrator/City Manager may issue a permit for the proposed work upon finding that the plan conforms with the applicable standards and specifications. (Ord. 89-4, passed 10-17-1989) Penalty, see § 92.99

§ 92.45 NOTICE TO ALTER OR REPAIR SIDEWALK.

(A) When the Council determines that a sidewalk needs alteration or repair, it shall, by resolution, direct the City Administrator/City Manager to issued a notice to the abutting land owner.

(B) The notice will require the owner of the property abutting the sidewalk to complete the necessary work within 45 days after service of notice. The notice will also state that if the work is not completed by the owner within the 45 days, the city may complete it, and assess the cost against the property abutting the sidewalk.

(C) The City Administrator/City Manager will 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 Administrator/City Manager will cause a copy of the notice to be posted in a conspicuous place on the property, and the posting will be considered to have the same effect as personal person of notice upon the owner of the property.

(D) The person serving the notice shall file with the Administrator/City Manager a return of service, reciting the time, place and manner of service.
(Ord. 89-4, passed 10-17-1989)

§ 92.46 CITY MAY ALTER OR REPAIR SIDEWALK.

If the sidewalk alteration or repair is not completed within 45 days after service of the notice, the Superintendent of Public Works will complete it if so directed by the Council. Upon completion of such a project, the Superintendent of Public Works will submit a report to the Council containing an itemized statement of costs.

(Ord. 89-4, passed 10-17-1989)

§ 92.47 ASSESSMENT FOR SIDEWALK WORK DONE BY CITY.

(A) Upon receipt of the report, the Council, by ordinance, shall assess the cost of the work against the property adjacent to the sidewalk.

(B) The assessment will 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 or otherwise provided by state law.

(Ord. 89-4, passed 10-17-1989)

§ 92.48 SIDEWALK CONSTRUCTION BY ORDER OF COUNCIL.

(A) Whenever the Council of the city deems it expedient for a new sidewalk to be constructed within the city, the Council shall pass an ordinance declaring that construction of the sidewalk is expedient and describe in the ordinance the location thereof, the construction standards and the time within which the construction is to be completed, provided that the owners of the abutting property who are residents of the city be allowed 45 days to complete the construction, and owners of property who are not residents of the city be allowed 60 days to complete the construction of any such sidewalk. The ordinance will provide that any new such sidewalk will be constructed at the abutting property owner's expense. The owner shall be allowed to pay cash or to make application to the city to pay the cost in installments as provided by the Bancroft Bonding Act, O.R.S. 223-205 as amended from time to time.

(B) In the event the abutting property fails to construct the sidewalk, the city may do so; however, the city may only assess abutting property owners for new sidewalk construction after following all notice procedures set forth in the city's general ordinance regarding local improvement assessment procedures.

(Ord. 89-4, passed 10-17-1989)

§ 92.49 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 his or her property and the owner, in writing, does the following, the Council may order the construction of the sidewalk if, in its judgment, the sidewalk should be built:

(A) Agrees to pay cash or to make application to the city to pay the cost in installments as provided by the Bancroft Bonding Act, O.R.S. 223.205, as amended from time to time;

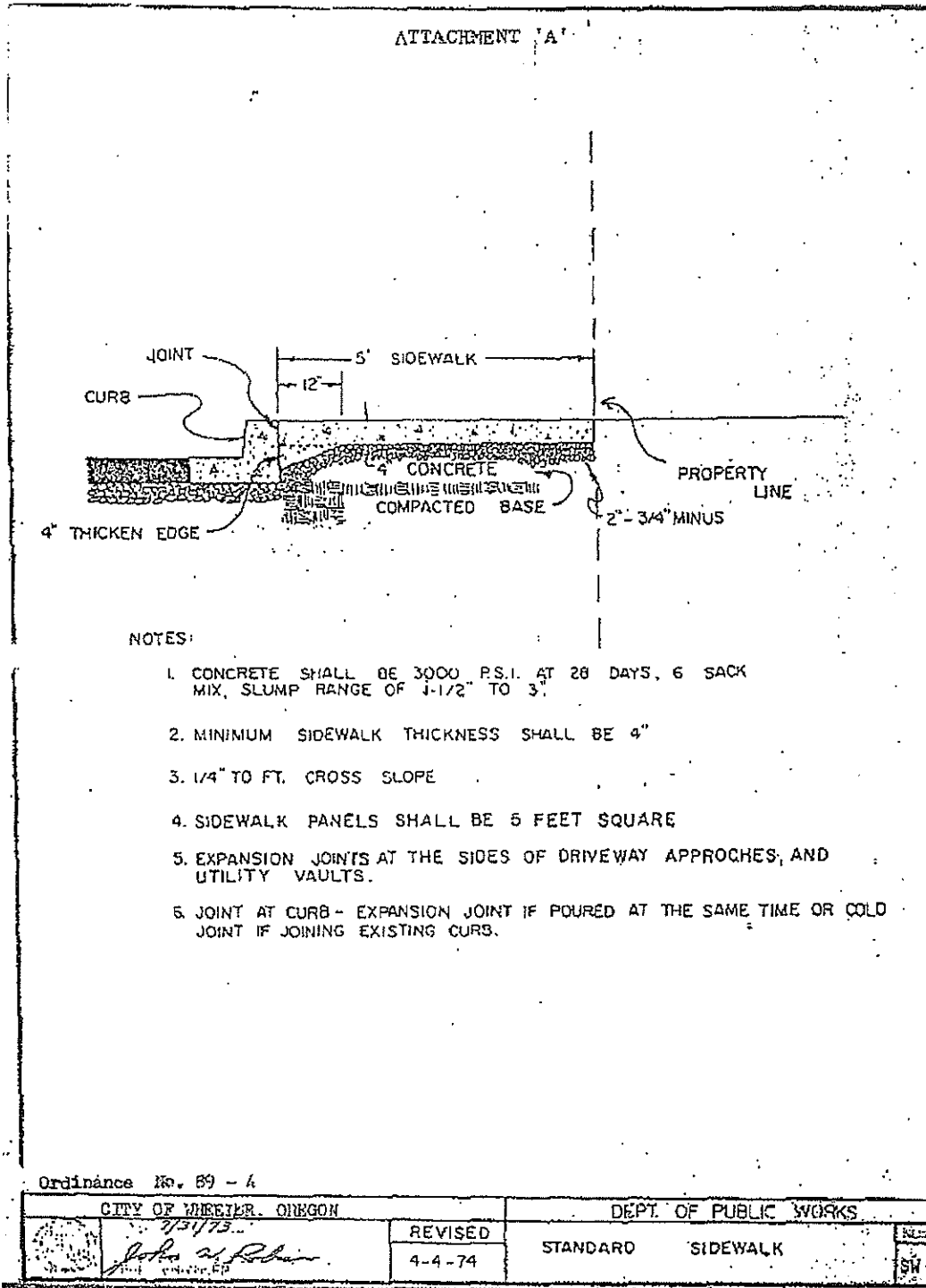
(B) Waives the right of service and notice of assessment as provided in the city general ordinance for local improvement assessment procedures;

(C) Consents to the assessment of the property upon which the sidewalk abuts; and

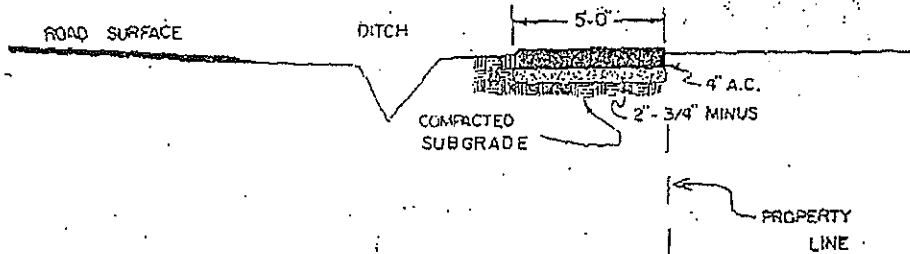
(D) Waives the right of notice for completion of construction.

(Ord. 89-4, passed 10-17-1989)

§ 92.50 IMAGES.




ATTACHMENT 'B'



1. ASPHALTIC CONCRETE SHALL BE CLASS "C" MIX
2. MINIMUM SIDEWALK THICKNESS SHALL BE 4"
3. LOCATION TO BE APPROVED

Ordinance No. 89 - 4

CITY OF WHEELER, OREGON		DEPT. OF PUBLIC WORKS	
 DATE: 12/15/23 <i>Robert Williams</i> CIVIL ENGINEER	REVISED	TEMP. AC SIDEWALK	MARK

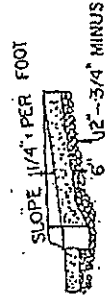
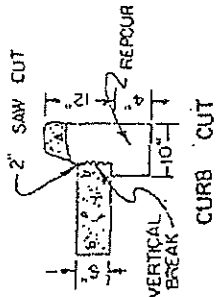
EXPANSION JOINTS - SHALL BE 1/2" PREMOULDED ASPHALT IMPREGATED MATERIAL OR EQUAL AND WILL EXTEND FROM SUB-GRADE TO FINISH GRADE.

CONCRETE - SHALL HAVE A MINIMUM BREAKING STRENGTH OF 3000 P.S.I. AFTER 28 DAYS, 6 SACK MIX...

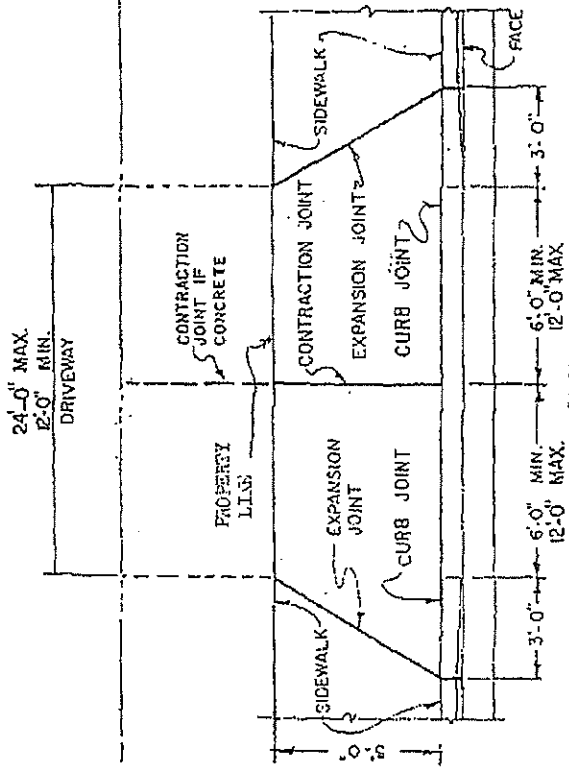
CURB AND GUTTER - SEE STANDARD DETAIL DRAWING.

CURB JOINTS - EXPANSION JOINT IF POURED AT THE SAME TIME OR COLD JOINT IF JOINING EXISTING CURB.

ATTACHMENT 'C'



SECTION A-A

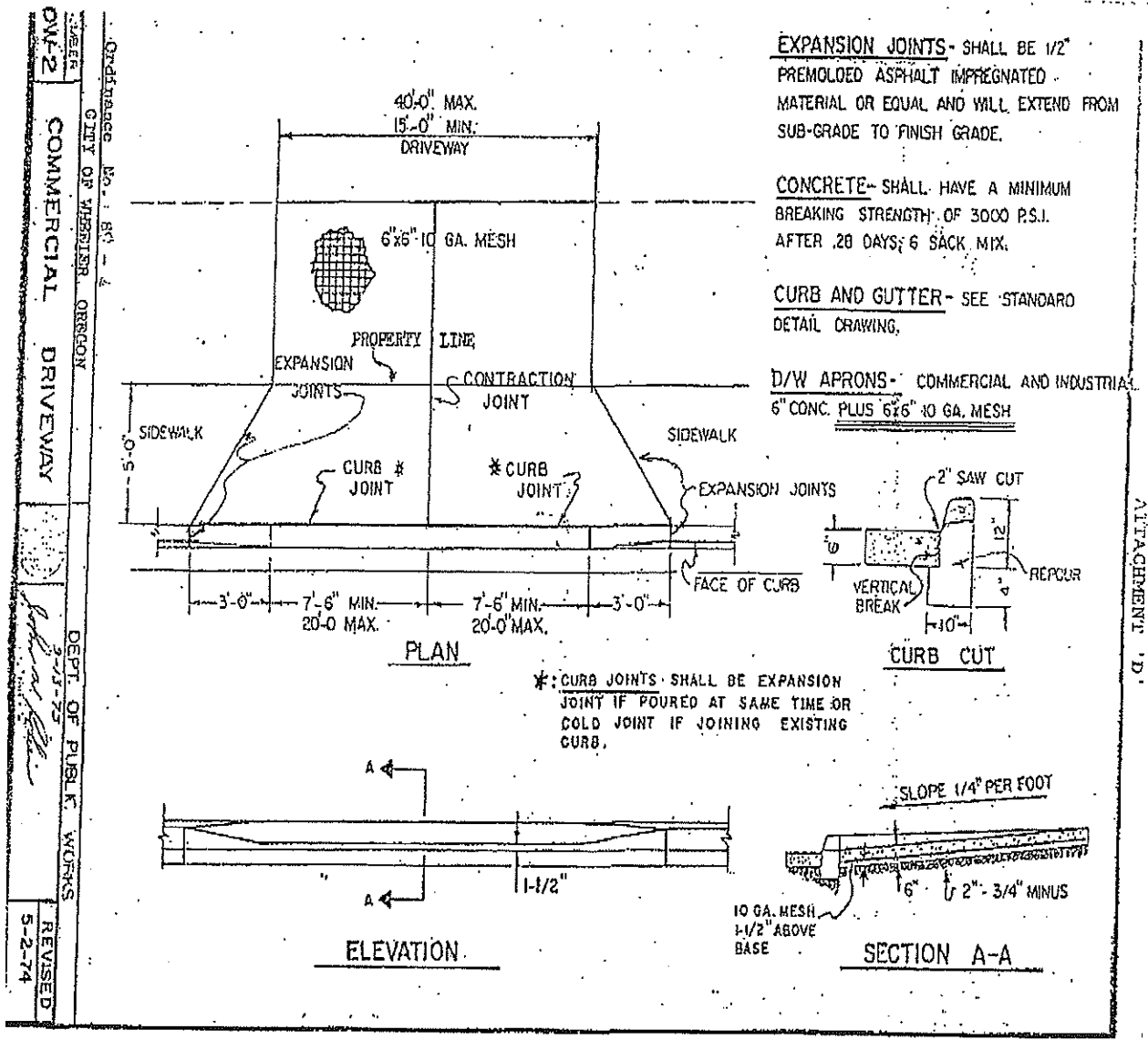


PLAN



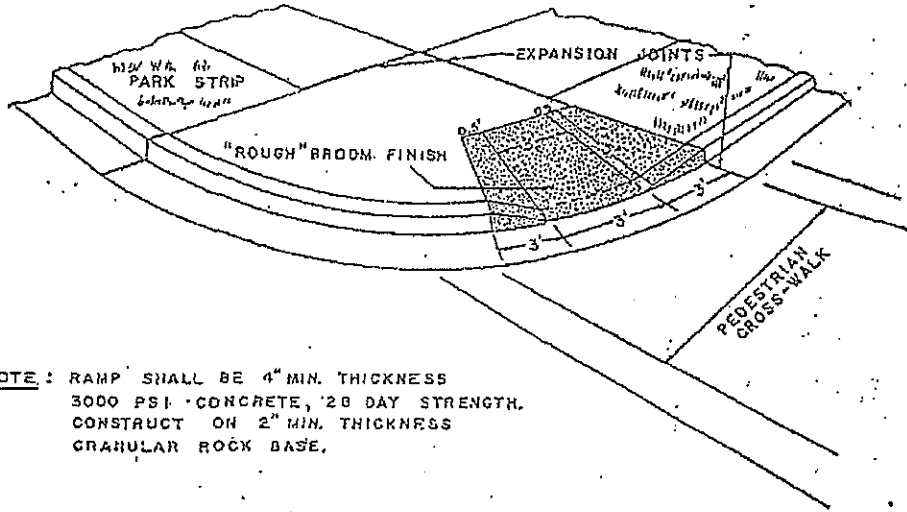
ELEVATION

Ordinance No. 89 - 1		CITY OF WHEELER, OREGON		DEPT. OF PUBLIC WORKS	
 8-12-73 <i>John P. ...</i> Mayor	REVISED	5-2-74		RESIDENTIAL DRIVEWAY	PLANSHEET
					DW-1

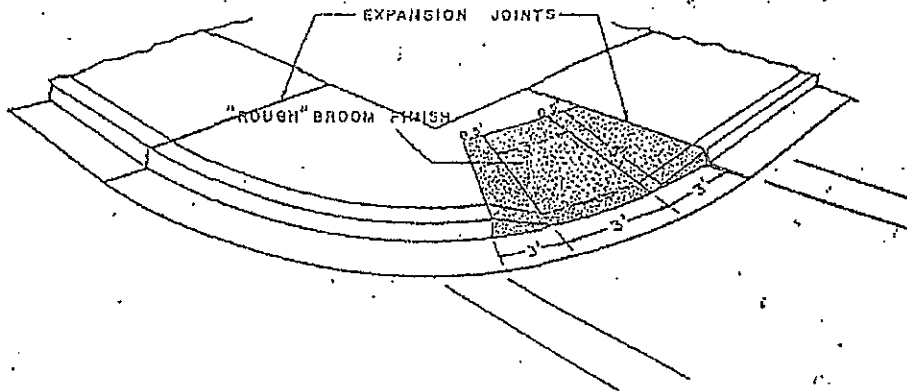


Wheeler - General Regulations

ATTACHMENT 'E'



NOTE : RAMP SHALL BE 4" MIN. THICKNESS
 3000 PSI CONCRETE, 28 DAY STRENGTH.
 CONSTRUCT ON 2" MIN. THICKNESS
 GRAHULAR ROCK BASE.



CITY OF WHEELER, OREGON STREET DEPARTMENT	
WHEELCHAIR RAMP BICYCLE RAMP	
Approved	County Engineer
DRNG. NO. R-1	AUGUST 1974

Ordinance No. 89 - 4

(Ord. 89-4, passed 10-17-1989)

PUBLIC RIGHTS-OF-WAY

§ 92.65 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Wheeler, Oregon.

PERSON. Individual, corporation, association, firm, partnership, joint stock company and similar entities.

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.

WITHIN THE CITY. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

(Ord. 97-07, passed 10-21-1997)

§ 92.66 JURISDICTION; SCOPE OF REGULATORY CONTROL.

(A) The city has jurisdiction and exercises regulatory control over each public right-of-way within the city under the authority of the City Charter and state law.

(B) 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. 97-07, passed 10-21-1997)

§ 92.67 CITY PERMISSION REQUIREMENT; OBLIGATIONS OF THE CITY.

(A) 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 franchises, licenses and permits. Permits shall be defined and fees for permits shall be adopted by resolution, and shall by reference be included herein.

(B) 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. 97-07, passed 10-21-1997) Penalty, see § 92.99

§ 92.68 VIOLATION; ENFORCEMENT.

(A) Failure to comply with this subchapter and/or any requirements established by means of franchises, licenses and permits shall constitute a violation. Each day a violation continues shall constitute a separate offense.

(B) The City Manager shall have the authority to determine if a violation has occurred, and to initiate enforcement of this subchapter. The City Manager shall have the authority to utilize local police, municipal court, legal services or any other reasonable means to enforce compliance with this subchapter.

(Ord. 97-07, passed 10-21-1997)

§ 92.69 DRIVEWAY EXCLUSION.

Any person who obtains a driveway permit to construct a driveway shall not be required to also obtain a right-of-way permit for that construction.

(Ord. 2001-05, passed 6-19-2001)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Violators of §§ 92.01 through 92.14 shall be subject to a civil penalty. Each and every violation is a separate and distinct offense, and each day's violation is a separate and distinct violation. The civil penalty for a violation of §§ 92.01 through 92.14 shall not exceed \$500 per day for each violation.

(2) In addition to the civil penalties identified herein, any costs incurred by the city in enforcing §§ 92.01 through 92.14 shall be borne by the violator. Said costs shall include, but not necessarily be limited to, attorney's fees, expert witness fees, costs and disbursements.

(C) Violation of §§ 92.40 through 92.50 is punishable by a fine not exceeding \$250. Each day's violation of a provision of §§ 92.40 through 92.50 shall constitute a separate punishable offense.

(D) Each violation of §§ 92.65 through 92.69 shall be punishable by a fine not to exceed \$100.
(Ord. 89-4, passed 10-17-1989; Ord. 93-2, passed 7-20-1993; Ord. 97-07, passed 10-21-1997)