

ORDINANCE NO. 1505

AN ORDINANCE relating to the construction of sidewalks and curbing within the City of Albany, Oregon, and repealing all ordinances and parts of ordinances in conflict herewith.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. That all sidewalks that may hereafter be constructed within the city limits of the city of Albany, except as hereinafter provided, shall be made of artificial stone or cement and of the dimensions and in the manner as hereinafter set forth.

Section 2. That all sidewalks that may hereafter be constructed on First Street from the east side of Calapooia Street to the west side of Montgomery Street and on Second Street from the east side of Calapooia Street to the west side of Baker Street shall be twelve feet wide; and all sidewalks that may hereafter be constructed on Washington, Ferry, Broadalbin, Ellsworth, and Lyon Streets north of First Street shall be ten feet wide. That all sidewalks that may hereafter be constructed on Third and Fourth Streets from the east side of Ferry Street to the west side of Lyon Street and on Ferry, Broadalbin, Ellsworth, and Lyon Streets from the south side of Second Street to the north side of Fourth Street shall be eight feet wide. That all sidewalks that may hereafter be constructed on Lyon Street from the south side of Fourth Street to the north side of Ninth Street shall be six feet wide and the inner edge of the same shall be set out two feet from the property line. That all sidewalks that may hereafter be constructed on Vine, Eighth, and Thurston Streets bordering the Mountain States Power Company canal be five feet in width and built along the property line, the outer edge of said sidewalk to form the curbs along said streets.

Section 3. Along the front of the sidewalks provided for in this ordinance shall be placed a curb of artificial stone or cement twelve feet from and parallel with the front line of the lot or block, to the outer edge of the curb along which the said sidewalk is constructed, and said curb shall not be less than seven inches wide at the bottom and five inches wide at the top, and not less than eighteen inches deep, with the inner side perpendicular, and each section of such curb shall be not less than five feet in length, except that the curbs on the streets adjacent to the Mountain States Power Company's canal shall be five feet from said lot line to outer edge of the curb and ten inches deep.

And all sidewalks and curbing provided for in this ordinance shall consist of eight parts of gravel and one part of cement for the base thereof, said concrete base for sidewalks to be not less than four inches thick and to be laid upon a bed of gravel not less than three inches thick, and the top dressing of said sidewalks and outer surface and top of said curbing, shall not be less than three-fourths of an inch thick and composed of fifty percent sand and fifty percent cement, said sidewalk to have a slope of one-fourth of an inch to the foot from the inside of said sidewalk to the outer edge of said curb, and at the street corners the same shall be rounded to conform to the quadrant of a circle with a thirty-inch radius, and, at the outside corners at the alleys, to be rounded to conform to the quadrant of a circle with a twenty-four inch radius.

That all cement used as herein set forth shall be of the best quality of cement and that the top surface of all cement work constructed in dry weather shall be kept wet for at least four days by a covering of wet sand one-half inch thick.

Section 4. That all sidewalks that may hereafter be constructed as provided for in this ordinance, shall be placed upon the street grade as the same is now established, or that may from time to time be established, and shall conform strictly to the official street grades, and shall be uniform as to the material, dimensions, and distance from the property lines along which they are built with other sidewalks of their class as provided by this ordinance; and the space between the property line and the sidewalk where such space is left, and the space between the sidewalk and the curb along the same, shall be filled and surfaced with earth, or other suitable material, and when said sidewalk and curb is completed, the same shall be inspected by the city engineer or the superintendent of streets of the city and by him received or rejected.

Section 5. Every person, firm, or corporation desiring to construct sidewalks or curbs, or both, as provided by this ordinance, shall before entering upon said work or improvement apply for a permit to so build or construct, to the superintendent of streets of the city of Albany, and shall state to said superintendent of streets in explicit terms the character of the sidewalk or curb, or both, to be built, the location by lot and block numbers and by streets, the material to be used, and the dimensions to be followed in said work, and if, in the opinion of the said superintendent of streets, the intended improvement does not conflict with the terms of this ordinance, then it shall be the duty of the said superintendent of streets to furnish said applicant without charge or cost a written permit to so build and improve in accordance with the location, material, distance, and dimensions so applied for.

In case of the refusal of the superintendent of streets to furnish said applicant with a permit as herein provided for, the said applicant shall have the right to apply to the council for relief and the council shall hear and decide the matter at issue, and make an order ratifying the act of the superintendent of streets or enforcing the issuance of said permit, and cause the order so made to be entered upon the journal of the proceedings of said council for the session at which said hearing and decision was had and made.

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Section 6. The provisions of this ordinance shall apply and govern in the matter of repairs to sidewalks already built, and shall be observed and enforced in the matter of repairs to sidewalks and curbs as definitely as in the case of construction of a new sidewalk or curb or both; provided, that in case where the topography of the ground is such that the construction of cement sidewalks and curbs will be difficult by reason of ravines or streams intervening, the council may grant special permits to construct such sidewalks or curbs under different specifications than that herein required.

Section 7. Any person, firm, company, or corporation, or their agent or agents, violating any of the provisions of this ordinance, shall, upon conviction thereof before the recorder of the city of Albany, be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred (\$100.00), or by imprisonment in the city jail for a period of not less than five days nor more than twenty days, or both, at the discretion of the court.

Section 8. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 9. Whereas, the peace, health, and safety of the people of the city of Albany require that this ordinance shall become immediately effective, therefore an emergency is hereby declared to exist and this ordinance shall be immediately effective upon its final passage by the council and approval by the Mayor.

Passed by the Council January 10, 1940.
Approved by the Mayor January 10, 1940.

A.G. Senders
Mayor

ATTEST K.R. Horton
Recorder of the City of Albany, Oregon

STATE OF OREGON)
COUNTY OF LINN) ss.
CITY OF ALBANY)

I, K.R. Horton, Recorder of the City of Albany, County of Linn, State of Oregon, do hereby certify that the foregoing copy of Ordinance # 1505, has been by me carefully compared with the original Ordinance Bill # 1624, now on file in this office, and further certify that same is a true and correct copy of the whole of said Ordinance bill # 1624, as passed by the Council of the city of Albany, Oregon, on the 10th day of January 1940, and approved by the Mayor on January 10, 1940,

In witness hereof I hereby place my hand and official signature and the official seal of the City of Albany, Oregon, This 11th day of January, 1940.

K.R. Horton
Recorder of the City of Albany, Oregon.