

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04

BUILDING NUMBERING

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12.04.010 Location of numbers on building.

There shall be a uniform system of numbering all houses, stores, and other buildings (except sheds and outbuildings), erected or to be erected within the city limits, by placing on the door or doorframe of the main entrance to said buildings, or as near thereto as practicable, the number assigned thereto as hereinafter provided; said numbers to be painted on the building, or on glass or noncorrosive metal, or a noncorrosive metallic figure used, at the option of the owner, so placed as to be readily seen from the street. The figures designating the number, whether painted or otherwise, shall be not less than three inches in height. (Ord. 369 § 1, 1917)

12.04.020 Numbering required.

All houses or buildings now erected shall be numbered as herein provided on or before the first day of May, 1917, and all houses, stores and other buildings hereafter erected shall be numbered before being occupied. (Ord. 369 § 2, 1917)

12.04.030 Duty of city engineer.

The city engineer is hereby directed to cause proper numbers to be placed on all buildings belonging to the city of North Bend. (Ord. 369 § 3, 1917)

12.04.040 Numbers designated – South of Florida Avenue.

Except as herein otherwise provided, buildings required to be numbered, lying south of a line parallel to and 400 feet north of the north line of Flor-

ida Avenue and the north line of Florida Avenue projected easterly and westerly to the eastern and western limits of the city, and erected upon lots which abut on streets or avenues running northerly and southerly, shall be numbered southerly from said line, beginning with the number 1500 and allowing 100 numbers to each block, both sides of a street or avenue being considered a block, the even numbers to be used for numbering houses and other buildings on the west side of said streets and avenues and odd numbers to be used for such numbering on the east side of said streets and avenues. The first tier of blocks south of said line shall be numbered southerly, beginning such numbering with the number 1500 on the west side of the streets and avenues and with the number 1501 on the east side of the streets and avenues. The second tier of blocks south of said line shall be numbered southerly, beginning with the number 1600 on the west side and number 1601 on the east side of the streets or avenues, and continuing in like manner each successive tier of blocks, lying south of said line, shall be numbered southerly, giving 100 numbers to each tier of blocks, and ending such numbering at the southern boundary line of the city. (Ord. 369 § 4, 1917)

12.04.050 Numbers designated – North of Florida Avenue.

Except as herein otherwise provided, buildings required to be numbered, lying north of a line parallel to and 400 feet north of the north line of Florida Avenue and the north line of Florida Avenue projected easterly and westerly to the eastern and western limits of the city, and erected upon lots which abut on streets or avenues running northerly and southerly, shall be numbered southerly toward said line, allowing 100 numbers to each block, both sides of a street or avenue being considered a block, the even numbers to be used for numbering buildings on the west side of said streets and avenues and odd numbers to be used for such numbering on the east side of said streets and avenues. The first tier of blocks north of said line shall be numbered southerly, beginning with the number 1400 on the west side of the streets and avenues (and at the northeast corner of said blocks) and with the number 1401 on the east side of the streets and avenues (and at the northwest corner of said blocks). The second tier of blocks north of said line shall be numbered southerly, beginning with the number 1300 on the west side (and at the northeast corner of said blocks) and the number 1301 on the east

side (and at the northwest corner of said blocks) of said streets and avenues, and continuing in like manner, each successive tier of blocks lying north of said line shall be numbered southerly, giving 100 numbers to each block, the lowest numbers starting at the north line of said blocks, and each tier of blocks taking numbers 100 lower than the tier of blocks lying immediately south of such tier of blocks. (Ord. 369 § 5, 1917)

12.04.060 Numbers designated – West of Water Street.

Except as herein otherwise provided, buildings required to be numbered, lying westerly of a line parallel to and 100 feet easterly of the east line of Water Street and the east line of Water Street projected northerly and southerly to the northern and southern limits of the city, and erected upon lots abutting on streets and avenues running easterly and westerly, shall be numbered westerly from said line, beginning with the number 100 and allowing 100 numbers to each block, both sides of a street or avenue being considered a block, the even numbers to be used for numbering buildings on the north side of said streets and avenues and odd numbers to be used for such numbering on the south side of said streets and avenues. The first tier of blocks westerly of said line shall be numbered westerly, beginning with the number 100 on the north side of the streets and avenues and with the number 101 on the south side of said streets and avenues. The second tier of blocks westerly of said line shall be numbered westerly, beginning with the number 200 on the north side and the number 201 on the south side of said streets and avenues, and continuing in like manner, each successive tier of blocks lying westerly of said line shall be numbered westerly of said line shall be numbered westerly, giving 100 numbers to each tier of blocks, and ending such numbering at the western boundary line of the city. (Ord. 369 § 6, 1917)

12.04.070 Departure from numbering scheme.

The general scheme of numbering buildings, as hereinbefore set forth, shall be departed from in the following particulars, to wit: instead of giving 100 numbers to the block to the blocks lying between 3rd and 6th Streets in Coos Bay, Plat E, west of Pony Inlet, on all streets running northerly and southerly, said three tiers of blocks shall be considered as one tier of blocks, and shall be numbered southerly from 3rd Street to 6th Street, commencing at 3rd Street with the number 2500 on the west

side of the streets and with the number 2501 on the east side of streets, and ending at 6th Street with the number 2598 on the west side of the streets and with the number 2599 on the east side of the streets. Instead of giving 100 numbers to the blocks lying between 15th and 17th Streets in Bangor, Plat D, and Coos Bay, Plat F, on all streets running northerly and southerly said two tiers of blocks shall be considered as one tier of blocks and shall be numbered southerly from 15th Street to 17th Street, commencing at 15th Street with the number 2500 on the west side of said streets and with the number 2501 on the east side of said streets, and ending at 17th Street with the number 2598 on the west side of said streets and with the number 2599 on the east side on said streets. Instead of giving 100 numbers to the blocks lying between Myrtle and Maple Streets in Bank and Idaho Additions to North Bend, on all streets running easterly and westerly said two tiers of blocks shall be considered as one tier of blocks and shall be numbered westerly from Myrtle Street to Maple Street, commencing at Myrtle Street with the number 2100 on the north side of said streets and with the number 2101 on the south side of said streets, and ending at Maple Street with the number 2198 on the north side of said streets and with the number 2199 on the south side of said streets. Instead of giving 100 numbers to the tiers of blocks lying between Oregon Street in Bonanza Addition and 17th Street in Coos Bay, Plat F, on all streets running northerly and southerly said three tiers of blocks shall be considered as one tier of blocks and shall be numbered southerly from Oregon Street to said 17th Street, commencing at said Oregon Street with the number 2500 on the west side of said streets and ending at said 17th Street with the number 2598 on the west side of said streets and with the number 2599 on the east side of said streets; and the buildings required to be numbered erected on lands not now platted, but which may hereafter be platted, shall be numbered in such a manner as to coordinate with the general numbering scheme by this chapter established. (Ord. 369 § 7, 1917)

12.04.080 Number position in a block.

In order to ascertain the proper position of a number in a block, the length or width of the block (depending upon whether the length or width abuts the street or avenue) shall be divided by 50 (except where two or more tiers of blocks are given but 100 numbers jointly), and this will give the relative distance between numbers. Where two or more tiers

of blocks are together given but 100 numbers, then the total width or length of such tiers of blocks (depending upon whether the width or length abuts the street or avenue), exclusive of street intersections, shall be divided by 50, and the result will be the relative distance between numbers. (Ord. 369 § 8, 1917)

12.04.090 Unplatted sides of streets or avenues.

Where one side of a street or avenue has been laid off into lots and blocks and the opposite side is not so laid out, the numbering on the unplatted side of the street or avenue shall correspond with the other side, the appropriate odd or even number being given to the buildings on the unplatted side of such street or avenue. (Ord. 369 § 9, 1917)

12.04.100 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 369 § 10, 1917)

Chapter 12.08

STREET AND SIDEWALK OBSTRUCTIONS

Sections:

- 12.08.010 Definition.
- 12.08.020 Unlawful acts.
- 12.08.030 Nuisance declaration.
- 12.08.040 Abatement procedure.
- 12.08.050 Violation – Penalty.

12.08.010 Definition.

For the purpose of this chapter, an “open public way” shall be any street, alley, pedestrian walkway or easement which has been legally platted or which has been dedicated and formally accepted by the city of North Bend, and which has also been opened to public use by the city or opened to use by a holder of a franchise from the city or which is the subject of a proceedings commenced by the city of North Bend for the improvement thereof. (Ord. 1227 § 1, 1963)

12.08.020 Unlawful acts.

(1) It shall be unlawful for any person, persons, firm or corporation to block, obstruct or hinder the free flow of traffic by the public or persons entitled to the use of any open public way as defined in this chapter, and it shall be unlawful for any person, firm or corporation to place, to cause to be used, or suffer to be used any fixture, chattel, structure or building, or any part or portion of any structure or building, situated on, or which encroaches on, any open public way, except as otherwise provided in this section.

(2) It shall be unlawful for any person, firm or corporation to display or sell merchandise or to place other objects on the sidewalks in the city of North Bend except as follows:

(a) Self-service dispensers of newspapers and decorative plants and decorative objects may be placed on sidewalks in commercially zoned areas if a permit has first been obtained from the city administrator. In issuing, denying or revoking such permit, the administrator shall first determine whether the location and size of any such self-service dispenser or decorative plant or object will obstruct the free flow of pedestrian traffic, whether the placement of such objects has the consent of the adjoining property owner and ground floor occupant, and whether the placement and use of such objects will be aesthetically displeasing to the gen-

eral public or will create a public or private nuisance.

(b) In commercially zoned areas, freestanding or temporary signs, including sandwich boards, which comply with the sign regulations of the city and NBCC Title 18, may be placed on sidewalks adjacent to the premises to which the signs relate; provided, that such signs shall not occupy more than 20 percent of the width of the sidewalk measured from the property line, the area of one face of the signs shall not exceed nine square feet and the signs shall remain on the sidewalk only during business hours of the adjacent premises.

(c) Notwithstanding the foregoing restrictions on the use of sidewalks, the city council may, by motion or resolution, as a part of a community event or celebration, authorize the use of portions of sidewalks in a commercially zoned area for a period not to exceed three days during which exhibits, sidewalk sales or other special events may take place on sidewalks of sufficient width to allow the passage of pedestrian traffic in addition to the operation or existence of the special event. As a part of such motion or resolution, the council may impose conditions for the public welfare, safety and convenience. (Ord. 1846 § 1, 1996; Ord. 1796, 1992; Ord. 1772 § 1, 1991; Ord. 1227 § 2, 1963)

12.08.030 Nuisance declaration.

Any obstruction of, or encroachment on, an open public way in the city of North Bend is hereby declared to be a public nuisance and may be abated by the city of North Bend as herein provided, or it may be abated by any other lawful procedure or means. (Ord. 1227 § 3, 1963)

12.08.040 Abatement procedure.

The city of North Bend shall have the power and right to use the following procedure, in addition to other lawful procedures, in abating any public nuisance as defined in this chapter.

(1) Upon receiving notice of the existence of a public nuisance as defined herein, the city of North Bend, through any of its officers, may notify the owner or user of such nuisance in writing to abate and remove such nuisance from an open public way within 10 days from the date of such notice. Notices may be delivered in person to the owner or user, if they can be found within the corporate limits of the city of North Bend, but if they cannot be so found, such notice may be sent by mail to the last known address of such owner or user; pro-

vided, that if the owner or user is unknown, no notice shall be required to be given.

(2) If the owner or user of such nuisance shall have good and sufficient reason to require an extension of time for the removal of the same, he may submit a written request to the city administrator of the city of North Bend in which he shall state the reasons for an extension, and the city administrator may, in his discretion, grant additional time for the removal of such nuisance, but such additional time shall not exceed a period of 30 days.

(3) After the expiration of the period of time allowed for the abatement and removal of the nuisance as hereinbefore provided, or immediately if the owner or user of said nuisance is unknown or cannot be found after reasonable inquiry, it shall be the duty of the city of North Bend to remove, or cause to be removed and abated, the encroachment or obstruction to the open public way; provided, however, that neither the city of North Bend nor any of its officers or employees shall incur any liability for the destruction of, or damage to, such obstruction or encroachment of an open public way where there has been substantial compliance with the provisions of this chapter.

(4) Whenever the encroachment or obstruction of an open public way is caused by a structure or building partially upon adjoining property or constructed or erected by the owner or lawful possessor of such adjoining property, and the city of North Bend has been compelled to remove such obstruction or encroachment after notice to the owner as herein provided, then the cost of the removal of such obstruction or encroachment shall become a special assessment upon such adjoining land, and the city of North Bend shall enter such assessment upon its lien docket and collect the amount thereof under the procedures of the city of North Bend for the collection of improvement assessments. (Ord. 1227 § 4, 1963)

12.08.050 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1227 § 5, 1963)

Chapter 12.12

STREET USE BY UTILITIES*

Sections:

- 12.12.010 Findings – Purpose.
- 12.12.020 Definitions.
- 12.12.030 Rules, regulations and standards.
- 12.12.040 Relocation of equipment.
- 12.12.050 Installation and relocation – Filing map – Approval.
- 12.12.060 Dedicated streets – Denial by city.
- 12.12.070 Location and profile maps.
- 12.12.080 Construction of public improvements.
- 12.12.090 Moving buildings or structures.
- 12.12.100 Liability for damages.
- 12.12.110 Civil action – Enforcement.
- 12.12.120 Violation – Penalty.
- 12.12.130 Construction of provisions.
- 12.12.140 Police powers.

*Prior legislation: Ord. 1129.

12.12.010 Findings – Purpose.

The council of the city of North Bend hereby finds and determines that the construction, alteration and repair of streets, and the use of streets by the public, is directly affected by the existence and the use of utility property within the public rights-of-way, and that the use of streets by utilities should be regulated and controlled to protect the traveling public and to prevent damage to the public streets, and to public and private property including the property of utilities using such streets; and the council further determines that it is necessary in the interest of the public health, safety, welfare and convenience to establish rules, regulations and standards to control and regulate the use by utilities of the public streets, alleys, easements and places within the corporate limits of the city of North Bend. (Ord. 1173 § 1, 1961)

12.12.020 Definitions.

As used in this chapter and where the context permits:

- (1) “City” shall mean the city of North Bend, Oregon.
- (2) “Street” shall include any public street, alley, place and easement and shall include the full dedicated width or length thereof.
- (3) “Utility” shall include any person, firm, corporation, company, board, or commission, whether public or private, which owns, possesses or main-

tains over, on or under the public streets, alleys, places, and easements within the corporate limits of the city of North Bend, poles, wires, cables, conduits or pipelines or other fixtures. (Ord. 1173 § 2, 1961)

12.12.030 Rules, regulations and standards.

The council of the city of North Bend may enact, by motion or resolution, rules, regulations and standards for the height, location and relocation of wires, poles and fixtures, and the depth, location and relocation of pipes and conduits, and the making of street openings and the repair and inspection thereof, for the purposes of protecting the traveling public from hazards, obstructions and defects on public streets, of providing for the restoration of public streets to substantially their previous condition, and for the protection of utility property over, on or under the streets of the city of North Bend. The council may also provide in such rules, regulations and standards for the issuance of permits for work to be done and impose reasonable fees and charges for the review and inspection of plans and construction work and for damage to streets which cannot be fully repaired. The council may, from time to time, amend, change or make additions to such rules, regulations and standards by either motion or resolution. Copies of all rules, regulations and standards and amendments or additions thereto provided for in this section shall be mailed to both the local and head office of each utility using the streets of the city of North Bend at least 10 days prior to the effective date thereof. The rules, regulations and standards adopted by the council shall have the effect of law, and any violation of such rules, regulations and standards shall be deemed and held to be a violation of this chapter and subject to all the penalties and remedies provided for in this chapter. All rules, regulations and standards adopted by the council shall be filed with the city recorder and shall be open to public inspection, and no failure to mail copies thereof to utilities shall cause any rule, regulation or standard to become ineffective or invalid or relieve any utility from the obligation of complying therewith. (Ord. 1173 § 3, 1961)

12.12.040 Relocation of equipment.

(1) The council of the city of North Bend shall have the power and authority, by resolution or motion, to order the relocation within any area of the city of any existing or future poles, wires or fixtures to or from streets, alleys or easements or from

poles to underground conduits, where the council finds and determines that such relocation is necessary or desirable by reason of traffic congestion or the partial obstruction or impairment of pedestrian or vehicular traffic, or by reason of the existence of hazards or dangerous conditions created by the location of such poles, wires, or fixtures. When the council determines that joint use of poles by two or more utilities is feasible and desirable in a particular area or street and the city makes written request to utilities for such joint use, then if the request is not complied with, the council may order any or all such utilities to provide such joint use under terms and conditions deemed by the council to be fair, equitable and reasonable to all parties concerned or the council may order such utilities to place such wires in underground conduits.

(2) The council of the city of North Bend shall have the power and authority, by resolution or motion, to order the raising or lowering of pipelines or conduits where the council finds and determines that any pipeline or conduit conflicts with the proposed location of any pipeline designed to carry a substance or material by gravity flow, or by reason of the establishment of an original grade or change in the grade of any street; provided, however, that where a change is made in a legally established grade, the council may prescribe reasonable terms for such raising or lowering of pipelines or conduits. (Ord. 1173 § 4, 1961)

12.12.050 Installation and relocation – Filing map – Approval.

(1) No utility shall commence any work for the original installation or the relocation of poles, wires, pipelines or conduits on public streets unless such utility shall have first filed a location map thereof with the city engineer and have received approval from the city engineer for such original installation or relocation. In the case of pipelines and conduits, a utility shall file a profile map in addition to a location map with the city engineer. The city engineer shall give his approval or disapproval in writing to the utility within 48 hours after receipt of the location map and/or profile map, excluding Saturdays, Sundays and holidays. Each location map and/or profile map filed with the city engineer shall designate with reasonable certainty the boundary line or lines of the public rights-of-way and the proposed location for the poles, wires, pipelines or conduits. Except as provided in NBCC 12.12.060, approval or disapproval by the city engineer shall be based upon the existing or pro-

posed location of pipelines, conduits, poles, or fixtures, the existing or proposed grade of the street, the existing or proposed improvements of the street, and the street and zoning plans and policies of the city. Upon completion of any original installation or relocation, a utility shall file with the city engineer plans and profiles of the location thereof if there is any material variation from the original plans and profiles.

(2) This section shall not apply to the relocation of poles, wires, pipelines or conduits which are ordered to be relocated by the city where the new location is designated by the city with location and/or profile maps. (Ord. 1173 § 5, 1961)

12.12.060 Dedicated streets – Denial by city.

The city shall have the right to deny permission for the extension of utility services over streets which are dedicated but have not been accepted as public streets by the city where such extension is designed to serve only properties which are being developed in violation of the laws of the city or the state of Oregon, and in particular NBCC Titles 17 and 18 and Chapter 12.16 NBCC. (Ord. 1173 § 6, 1961)

12.12.070 Location and profile maps.

Within five days after receiving written request from the city engineer, a utility shall deliver to the city location and profile maps showing the location of all pipelines and underground conduits in specified streets which are the subject of proposed street or sewer improvements. (Ord. 1173 § 7, 1961)

12.12.080 Construction of public improvements.

A utility shall, at its own expense, move and relocate poles, fixtures, wires, pipelines and conduits whenever such movement and relocation shall become necessary or expedient because of the construction of public improvements upon any street in the city of North Bend. The utility shall be given at least five days' written notice, excluding Saturdays, Sundays and holidays, specifying the place where such poles, fixtures, wires, pipelines or conduits should be moved and the time within which such movement should take place. Where the city has contracted for the construction of a public improvement upon any street, it shall give the written notice provided herein at or about the time of the letting of such contract, but in no event less than five days prior to the time required for moving any poles, fixtures, wires, pipelines or con-

duits as herein provided. In the event that any such pole, fixture, wire, pipeline or conduit shall not have been moved within the time specified in said written notice, then the utility shall, upon demand by the city, pay to the city liquidated damages and penalty in an amount equal to \$100.00 for each day or part thereof, excluding Saturdays, Sundays and holidays, from the time specified in such notice until such pole, fixture, wire, pipeline or conduit is actually moved as directed. (Ord. 1173 § 8, 1961)

12.12.090 Moving buildings or structures.

No person, firm or corporation shall move, or cause to be moved, over any city street, a building or structure unless such person, firm, or corporation shall have first given at least 96 hours' written notice thereof, excluding Saturdays, Sundays and holidays, to the engineering department and police department of the city and to all utilities having wires which must be raised or lowered to permit the passage or movement of the building or structure along or across the street. The aforesaid written notice shall designate therein the proposed route over which such building or structure is to travel, the proposed time that such movement is to take place, the height of the building, and the estimated weight of the building or structure. Before the time specified for the movement of such building, the city engineer may require that a different route be taken or that specific methods be used in the movement of such building if, in the opinion of the engineer, damage might be caused to any street. The engineer may also designate a different time or day for such movement and give notice thereof to the utilities in the event that any interruption of utility service at the proposed time will unduly inconvenience the public. Where utility wires must be raised or lowered there shall be paid in advance to the utilities involved the actual cost of raising or lowering such wires. If the notices herein described are given and the cost paid to the utilities, it shall be the duty of such utilities to raise or lower all wires necessary at the required time. (Ord. 1173 § 9, 1961)

12.12.100 Liability for damages.

A utility shall be responsible and liable for any damages caused by its failure or neglect to comply with any of the provisions of this chapter, or the rules, regulations and standards adopted under the terms of this chapter for the protection of persons or property, and neither the city nor any of its officers or employees shall be liable for a dangerous or

negligently created condition caused by the utility or by the failure of the utility to comply with this chapter or the rules, regulations and standards provided for herein. Nothing in this chapter shall be construed to impose a duty on the city to perform any work which is required by any utility, and a failure of a utility to perform work required by this chapter shall constitute a violation hereof. (Ord. 1173 § 10, 1961)

12.12.110 Civil action – Enforcement.

Insofar as it shall be permitted by law, the city may enforce any of the provisions of this chapter in a civil action or suit brought against the utility, or any of its officers, agents or employees. (Ord. 1173 § 11, 1961)

12.12.120 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1173 § 12, 1961)

12.12.130 Construction of provisions.

No provision of this chapter shall constitute or be construed as granting or permitting the use of streets in the city by any utility which does not have a franchise from the city; nor shall this chapter be construed as a waiver or relinquishment by the city of any of its powers or privileges provided for by law, franchise or contract. (Ord. 1173 § 13, 1961)

12.12.140 Police powers.

This chapter is intended to be an exercise of the city's police powers for the health, safety, welfare and convenience of the public, but in the event that any provision hereof shall not be so construed, and shall conflict with any provision of an existing franchise or charter, then the terms of such franchise or charter shall prevail. (Ord. 1173 § 14, 1961)

Chapter 12.16

STREET WORK REGULATIONS*

Sections:

- 12.16.010 Authorization required.
- 12.16.020 Grade establishment – Variance.
- 12.16.030 Permit – Application.
- 12.16.040 Use of city equipment, labor, materials – Deposit.
- 12.16.050 Supervision by city engineer – Bond.
- 12.16.060 Contracts – Liens.
- 12.16.070 Maintenance – Repair.
- 12.16.080 Applicability.
- 12.16.090 Permit required – Restoration – Bond or deposit.
- 12.16.100 Dedicated streets.
- 12.16.110 Sewer main extension refused when.
- 12.16.120 Subdivisions – Unlawful when.
- 12.16.130 Subdivisions – Transfer or sale.
- 12.16.140 Violation – Penalty.

*Prior legislation: Ord. 118.

12.16.010 Authorization required.

It shall be unlawful for any person, firm or corporation to excavate, fill, rock, pave, grade, repair or otherwise disturb any public street over which the city of North Bend has jurisdiction without prior authorization of the city of North Bend either under this chapter or some other ordinance in the city of North Bend applicable thereto. It shall likewise be unlawful for any person, firm or corporation to cause such work to be done without said prior authorization. (Ord. 1084 § 1, 1958)

12.16.020 Grade establishment – Variance.

(1) It shall be unlawful for any person, firm or corporation to perform or to authorize or cause to be performed any street work provided for by this chapter until after the council of the city of North Bend shall have established the grade for such street. Until a street grade shall have been established by ordinance or by street improvement proceedings under Chapter 13.20 NBCC, no permit shall be issued for the construction of a building which fronts and abuts such street.

(2) The city council may grant a variance from the requirements of this section if it finds that by reason of terrain or other conditions then existing the portion of street in question is not suitable for opening and improving for public use and in granting such variance the council may impose reason-

able conditions. (Ord. 1519 § 1, 1976; Ord. 1517 § 1, 1976; Ord. 1084 § 2, 1958)

12.16.030 Permit – Application.

The owners of property adjacent to any street or alley within the city of North Bend, or other interested persons, may make application to the city administrator of the city of North Bend for a permit to make improvements to such street or alley, subject to the terms of this chapter and such other terms and conditions as may be imposed by said city administrator. (Ord. 1084 § 3, 1958)

12.16.040 Use of city equipment, labor, materials – Deposit.

The city administrator may authorize the use of equipment, labor and/or materials of the city of North Bend for street work proposed to be carried out under NBCC 12.16.030; provided, that there is first deposited with the city treasurer an amount estimated by the city engineer to be sufficient to pay for such use of equipment, labor and/or materials. (Ord. 1084 § 4, 1958)

12.16.050 Supervision by city engineer – Bond.

(1) Where any street work is proposed to be done under the terms of this chapter, the city administrator may require that such work be done under the supervision and direction of the city engineer, and may charge fees for such inspection, supervision or other work required by the city administrator. The city administrator may also impose such terms and conditions as may be necessary to secure the deposit of earth or other matter excavated from the street upon and part thereof which may need to be filled.

(2) The city administrator may also require that a bond and/or public liability insurance policy be furnished to the city of North Bend before any work is authorized under the terms of this chapter.

(3) Whenever the city administrator shall grant a permit for a street improvement to be done under the terms of this chapter, he shall have the power and authority to provide for all necessary service pipes for water, gas, heat, power, sewage, or any other purpose, and for all conduits for electric wires, telephone wires or other cable. (Ord. 1084 § 5, 1958)

12.16.060 Contracts – Liens.

No person, firm or corporation contracting to perform any street work under the terms of this

chapter shall have any recourse against the city of North Bend, or its officers or employees, or any lien rights upon the streets of the city of North Bend, for payment of any such contract, labor or materials, and such person, firm or corporation shall rely only upon the party or parties contracting for such street work, and shall have only such lien rights on adjacent property as may be provided for under the laws of the state of Oregon. This section shall not be construed to apply to any street contracted for by the city of North Bend on an authorized public improvement district. (Ord. 1084 § 6, 1958)

12.16.070 Maintenance – Repair.

The opening or improvement of any street or alley under the provisions of this chapter shall not impose upon the city of North Bend any duty to repair or maintain said street or alley; provided, however, that after the completion of such a street improvement, the council may, after hearing reports from the city administrator and/or city engineer and after making such investigation as it deems necessary, accept such street or alley for ordinary maintenance and repair. (Ord. 1084 § 7, 1958)

12.16.080 Applicability.

The terms of this chapter, where applicable, shall apply to the laying out and construction of sidewalks in the city of North Bend in addition to streets. (Ord. 1084 § 8, 1958)

12.16.090 Permit required – Restoration – Bond or deposit.

(1) It shall be unlawful for any person, firm or corporation to make any opening in an improved street in the city of North Bend without first obtaining from the city engineer a permit therefor and signing a written agreement undertaking to restore said street to substantially its previous condition within the time limit prescribed in said permit. The city engineer may require such person, firm or corporation to deposit with the city treasurer a cash deposit or bond to secure the proper restoration of said street to substantially its previous condition. The permit and deposit provided for in this section shall not be required of any person, firm or corporation operating under a franchise from the city of North Bend where provision is made in such franchise for street openings, and such provisions shall also not apply to the Coos Bay-North Bend water board.

(2) Any person, firm or corporation making any street opening in the city of North Bend, whether under the provisions of this section or not, shall have the duty to provide proper and adequate signals, signs, lights, or barricades for the protection of the traveling public. (Ord. 1084 § 9, 1958)

12.16.100 Dedicated streets.

There shall be no public or private improvement work performed upon any dedicated street, alley or way over which the city of North Bend has jurisdiction unless and until the planning commission of the city of North Bend has filed its approval of such street, alley or way with the recorder of the city of North Bend, or has endorsed the plat of which such street, alley or way is a part. (Ord. 1084 § 10, 1958)

12.16.110 Sewer main extension refused when.

The council of the city of North Bend shall have the right and power to refuse to extend sewer mains on any dedicated street, which has not been either opened or improved by the city of North Bend or opened or improved under the regulations set forth in this chapter. No sewer main shall be extended by the city of North Bend upon any dedicated street which is not a part of a recorded plat or which has not been accepted by the planning commission as an authorized street outside of a recorded plat. Nothing in this section shall be construed to limit the powers of the city of North Bend to refuse sewer main extensions under the terms of the ordinance relating thereto. (Ord. 1084 § 11, 1958)

12.16.120 Subdivisions – Unlawful when.

It shall be unlawful for any person, firm or corporation to subdivide or divide into two or more parts and sell one or more such parts of any parcel of land not within a recorded plat, which lies adjacent to a street, alley or way, which has been dedicated to the public in the city of North Bend, but which has not been approved by the planning commission of the city of North Bend, and where such approval has not been obtained, the building inspector of the city of North Bend shall not issue a building permit for such lot or parcel of land. (Ord. 1084 § 12, 1958)

12.16.130 Subdivisions – Transfer or sale.

(1) No person, either as owner or agent, shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot or parcel of land in any subdivision until the plat thereof has been approved by the

planning commission of the city of North Bend and has been acknowledged and recorded in the office of the county clerk of Coos County, Oregon.

(2) No person, either as owner or agent, shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot or parcel of land in any subdivision by reference to exhibition or other use of a plat or plan of such subdivision before the plat for such subdivision has been approved by the planning commission of the city of North Bend, and recorded with the county clerk of Coos County, Oregon.

(3) No person shall create any street or way for the purpose of partitioning a parcel of land without first obtaining the approval of the planning commission of the city of North Bend. (Ord. 1084 § 13, 1958)

12.16.140 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1084 § 14, 1958)

Chapter 12.20

SIDEWALK MAINTENANCE AND REPAIR

Sections:

12.20.010 Duty of adjoining property owners.

12.20.020 Liability.

12.20.010 Duty of adjoining property owners.

The owners of property adjoining any street in the city of North Bend shall have a duty to maintain a safe condition of repair, free of hazards and obstructions, of any sidewalk adjacent to their property, and shall be liable for any injuries or damages resulting from a failure to comply with such duty. (Ord. 1655 § 1, 1982)

12.20.020 Liability.

The city of North Bend shall not be liable for injuries or damages resulting from a failure to maintain sidewalks in a safe condition of repair, free of hazards and obstructions, except where such sidewalk is adjacent to property owned by the city of North Bend. (Ord. 1655 § 2, 1982)

Chapter 12.24

CURB CUTS

Sections:

- 12.24.010 Violations.
- 12.24.020 Applications.
- 12.24.030 Permits.
- 12.24.040 Traffic hazards.
- 12.24.050 Removal of curb cuts.
- 12.24.060 Performance of work and inspection.
- 12.24.070 Appeal.
- 12.24.080 Penalties.

12.24.010 Violations.

It shall be a violation of this chapter for any person to make, relocate or remove a curb cut without a permit from the city of North Bend as provided in this chapter. (Ord. 1442 § 1, 1972)

12.24.020 Applications.

Applications for permits under the terms of this chapter shall contain the name and address of the applicant, the legal description of the property adjacent to the curb cut, the name and address of the owner of such property, the purpose for which the property is used or is proposed to be used and the proposed location and size of the curb cut. The application shall be accompanied by a diagram showing the property, its improvements and the location of the curb cuts and proposed curb cuts. All applications shall be submitted to the building official of the city of North Bend, and if the curb cut is a part of the work involved in a building permit then no separate fee shall be charged for the curb cut permit, but in all other cases the application shall be accompanied by a permit fee of \$5.00 for each proposed curb cut. (Ord. 1442 § 2, 1972)

12.24.030 Permits.

When an application and fee have been received by the city, the building official shall review the application and issue a permit based on the application, or deny the issuance of such permit, or modify the plan of the applicant and issue a permit based upon such modification. The building official may impose reasonable conditions which must be fulfilled before permits are issued, and may issue permits which are subject to conditions relating to the future use and occupancy of the property involved in the permit or relating to the use of adjacent property or traffic on adjacent streets. The exercise of discretion and authority by the building

official as provided in this section shall be based upon the following standards:

(1) The length of curb cuts permitted shall be the minimum that is required to provide adequate access to the property.

(2) Curb cuts shall be restricted in size, location and number so as to prevent the unnecessary reduction of on-street parking spaces.

(3) Curb cuts shall be allowed, denied, modified or conditioned so as to provide the maximum protection for vehicular and pedestrian traffic using the streets and sidewalks. (Ord. 1442 § 3, 1972)

12.24.040 Traffic hazards.

The building official of the city of North Bend may require the removal or relocation of a curb cut if the traffic committee of the city has made the following findings of fact:

(1) That the use of the curb cut is hazardous to vehicular or pedestrian traffic using the public streets or sidewalks;

(2) That the property is being lawfully used for a purpose which does not require vehicular access, or, if it is being used for a purpose which requires vehicular access, then the curb cut found to be hazardous is not the sole means of access to the property. (Ord. 1442 § 4, 1972)

12.24.050 Removal of curb cuts.

If any curb cut shall be installed without a permit or contrary to the terms or conditions of a permit, or if the owner of property shall fail to remove a curb cut as required in NBCC 12.24.040 within 60 days after the mailing or delivery of written notice from the building official, then the city may perform the work of removing the curb cut and charge the cost thereof against the property as a special assessment and it shall become a lien upon the property to be collected in the same manner as a public improvement lien. (Ord. 1442 § 5, 1972)

12.24.060 Performance of work and inspection.

All work in installing or removing curb cuts shall be inspected and approved by the building official before the work shall be deemed completed. (Ord. 1442 § 6, 1972)

12.24.070 Appeal.

Any person aggrieved by the action of the building official in denying or modifying a proposed curb cut or in requiring the removal of a curb cut

shall have a right of appeal of such action to the city council by delivering written notice of such appeal to the city recorder specifying therein all facts or reasons to be relied upon in such appeal, and the appeal shall thereupon be held before the council at its next regular meeting held not earlier than seven days after the filing of such notice of such appeal. The decision of the council upon such appeal shall be final and conclusive. (Ord. 1442 § 7, 1972)

12.24.080 Penalties.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1442 § 8, 1972)

Chapter 12.28

PARKS*

Sections:

- 12.28.010 Findings – Purpose.
- 12.28.020 Schedule of rules and regulations.
- 12.28.030 Temporary exclusive use.
- 12.28.040 Violation – Citation authority.
- 12.28.050 Violation – Penalty.

*Prior legislation: Ord. 67.

12.28.010 Findings – Purpose.

The council finds that it is necessary in the interest of public health, safety and welfare to regulate the operation and use of public parks to protect the health and safety of the public, to prevent damage to public facilities, and to prevent abuses of the privileges provided. (Ord. 1739 § 1, 1989)

12.28.020 Schedule of rules and regulations.

The council may enact and amend, by motion or resolution, a schedule of rules and regulations for the use and operation of public parks within the city of North Bend. The terms and provisions of the schedule of rules and regulations shall have the effect of law, and a violation of any of the rules and regulations enacted by the council under the terms of this chapter shall be deemed to be a violation of this chapter and subject to the penalty provisions hereof. The schedule of rules and regulations shall be filed with the city recorder and shall be available for public inspection. (Ord. 1739 § 2, 1989)

12.28.030 Temporary exclusive use.

On application and when deemed to be in the public interest, the council may permit the temporary exclusive use of all or portions of public parks by nonprofit or public organizations for periods not exceeding 24 hours, and the council may impose conditions and restrictions on such use for the protection of park property and the general public. (Ord. 1739 § 3, 1989)

12.28.040 Violation – Citation authority.

The parks superintendent, other employees of the North Bend parks department and North Bend police officers shall have authority to issue citations for violations of this chapter or any of the rules and regulations adopted under the authority of this chapter. (Ord. 1739 § 4, 1989)

12.28.050 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter or rules and regulations adopted hereunder is punishable, upon conviction, by a civil penalty not to exceed \$500.00. (Ord. 1739 § 5, 1989)

