

Athena Ordinances

ORDINANCE NO. 220

AN ORDINANCE RELATING TO THE CONSTRUCTION, MAINTENANCE AND REPAIR OF THE SIDEWALKS WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENA; PRESCRIBING THE MATERIALS FROM WHICH SAID SIDEWALKS SHALL BE CONSTRUCTED; THE MANNER OF CONSTRUCTION; THE PROCEDURE IN CASE OF THE FAILURE OF THE PROPERTY OWNERS TO COMPLY WITH THE PROVISIONS HEREOF; REPEALING CERTAIN OTHER ORDINANCES.

The City of Athena, Oregon ordains as follows:

Section 1. That hereafter all sidewalks within the corporate limits of the City of Athena shall be constructed and maintained from concrete, except as hereinafter otherwise provided.

Section 2. That whenever any sidewalk or any portion of any sidewalk now existing within the corporate limits of the City of Athena shall become dilapidated to such an extent that, in the opinion of the city council of the City of Athena, it is unfit, unsafe or dangerous for use by the general public, the said walk shall be condemned by the council; and the owner of the abutting property shall be notified thereof, and shall be ordered either to repair or rebuild the same as hereinafter specified.

Section 3. That whenever the city council shall condemn a sidewalk or any portion thereof, the said council shall order that the said walk or portion thereof be replaced with a concrete walk, unless the said council shall further decide that it would be unjust, inequitable or impractical to do so; in which case the said city council shall order that the said walk or portion of said walk be replaced with a walk constructed of other materials, and shall specify the materials to be used.

Section 4. That whenever the city council shall have condemned any sidewalk or any portion thereof and ordered that the sidewalk be replaced or repaired as herein provided, it shall be the duty of the city council to notify the owner of the abutting property or his agent, in writing, of the action of the council; and such notice shall set forth the materials to be used in the construction or repair of the said sidewalk or portion thereof; and such notice shall further state that unless the said condemned sidewalk or portion thereof be replaced or repaired, as the case may be, within 60 days from the time of their service of said notice, then the City of Athena will cause the said walk to be built, and will assess the costs thereof to the said abutting property, and will claim a lien for the costs of the said construction or repair, together with the costs and expenses of procuring the said lien.

Section 5. That whenever the city council shall have condemned any sidewalk or any portion thereof, and shall have ordered that the same be replaced or repaired as herein provided, and the owner of the abutting property shall fail, neglect or refuse, for a period of 60 days, to

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repair or replace the said walk or portion thereof, as said notice required, then the City of Athena shall repair or replace the same as the said notice specified, and shall assess the costs thereof against the abutting property, and shall cause a lien to be filed against the said property as by law provided.

Section 6. That all sidewalks on Main Street shall be 10 feet in width; that all sidewalks between Main Street and the first alley on either side of Main Street shall not be more than 10 feet in width; and that all other sidewalks shall not be less than four feet in width; provided however, that when, in the discretion of the common council, the construction of a 10-foot sidewalk would be unnecessary or impractical, then and in that event, the council may grant permission for the construction of a narrower walk; and the construction of such narrower walk in accordance with the orders of the council shall be deemed a compliance with the provisions of the ordinances until the further orders of the council. [Amended by Ordinance 166A, passed May 8, 1922.] *In disposition list, but not in writing*

Section 7. That if any of the provisions of this ordinance shall be held void and unconstitutional or contrary to the laws of the State of Oregon, it is hereby provided that all other parts of the ordinance shall continue in full force and effect.

Section 8. That all ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 9. This ordinance shall take effect and be in force from and after its passage and posting as required by law.

Passed by council and approved by the mayor on November 7, 1921.
Amended by the Council and approved by the mayor on November 15, 2007.