

ORDINANCE NO. 1350-12

AN ORDINANCE REGARDING SIDEWALK MAINTENANCE; AND AMENDING
TMC 2-2.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 2-2-010 is amended to read as follows:

Unless the context requires otherwise, the following definitions apply:

(1) "Person" means a natural person, firm, corporation or other legal entity.

(2) "Sidewalk" means that part of the street right-of-way between the curblines or the lateral lines of a roadway and the adjacent property lines, including tree grates, that is intended for the use of pedestrians.

Section 2. TMC 2-2-025 is amended to read as follows:

(1) No owner or person in charge of property that abuts a street or public sidewalk shall permit trees or shrubs on his or her property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts a street or public sidewalk to keep all trees and shrubs on his or her premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than 12 feet above the roadway.

(2) No owner or person in charge of property shall allow a dead or decaying tree to stand that is a hazard to the public or to persons or property on or near the property.

(3) If an owner or person in charge of property removes a dead or dying tree, they shall replace it in accordance with the Tualatin Development Code.

Section 3. TMC 2-2-030 is amended to read as follows:

(1) The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be primarily liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk and tree grates/planter strips in good condition or to keep trees and shrubs trimmed in accordance with this chapter.

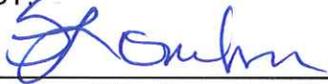
(2) If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty which this ordinance imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

INTRODUCED AND ADOPTED this 13th Day of August, 2012.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY