RESOLUTION
(32-2016)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL AMENDING THE SIDEWALK & STREET TREE MAINTENANCE PROGRAM HANDBOOK

WHEREAS, the City desires to provide a safe area for pedestrian travel throughout the City; and

WHEREAS, sidewalks not only improve the appearance of neighborhoods, they provide a safe separation between vehicular and pedestrian traffic; and

WHEREAS, properly maintained sidewalks allow safe utilization of walkways by all citizens of the community and guests; and

WHEREAS, sidewalks are sometimes found to be defective and the City desires to adopt clear and objective criteria to assess defects and to implement a program that provides an expeditious and fair process to remedy sidewalk defects;

WHEREAS, the City adopted a Sidewalk & Street Tree Maintenance Program Handbook through Resolution 48-2013 and amended the document through Resolution 42-2014; and

WHEREAS, the current tree map of the Village has been found to be inconsistent with what has been planted; and

WHEREAS, City staff worked with local arborists to develop street tree and sidewalk solutions and the Fairview Village tree map needs to be updated to provide appropriate street tree types for the area; and

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The City Council hereby adopts an amended Sidewalk & Street Tree Maintenance Handbook which is attached as Exhibit "A".

Section 2 This resolution is and shall be effective from and after its passage by the City Council.

Resolution adopted by the City Council of the City of Fairview, this 20th day of June, 2016.

Mayor, City of Fairview
Ted Tosterud

ATTEST

City Recorder, City of Fairview
Devree Leymaster

7-22-2016
Date

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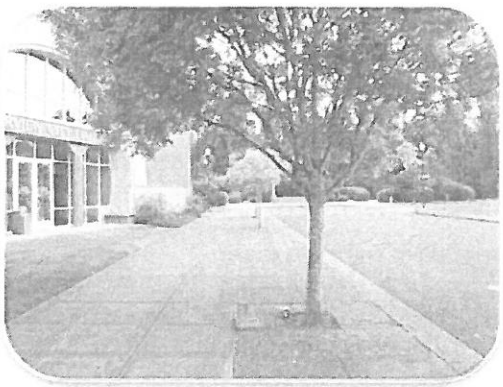

SIDEWALK & STREET TREE MAINTENANCE HANDBOOK

Policy and Operating Guidelines

Updated July 20, 2016

City of Fairview, Public Works
City Hall, 2nd Floor— 1300 NE Village Street
Fairview, OR 97024
503-665-9320

Sidewalks Make Good Neighbors

Sidewalks have a way of tying together a neighborhood. Realtors will attest that where sidewalks are good, the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes; recreation space for joggers, children with tricycles and pull toys; an informal meeting place for neighbors; and an encouragement for people to make more use of the most basic form of transportation – walking.

Be proud of your sidewalks. Take care of them and enjoy them.

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Program Goal

The objectives of the Sidewalk Maintenance Program are to:

- Protect the general public from injury by identifying defects and ensuring their timely repair.
- Protect the general taxpayer from the expense of liability claims due to personal injury.
- Protect individual property owners by notifying them that a hazardous condition exists and assisting with correction of that hazard.
- Protect the general public's investment in the transportation system, which includes sidewalks, driveways, corners, and curbs.
- Manage the maintenance of sidewalks, driveways, and curbs in a way that protects street trees and other desirable vegetation whenever possible.

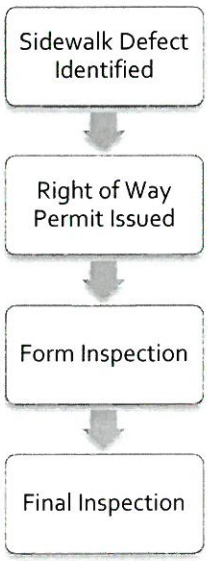
Handbook Outline

This handbook contains an overview of the sidewalk maintenance program, a detailed manual regarding sidewalk maintenance, the street tree planting guidelines, and the list of approved street trees. It should contain all the information you need to look after your sidewalks and street trees.

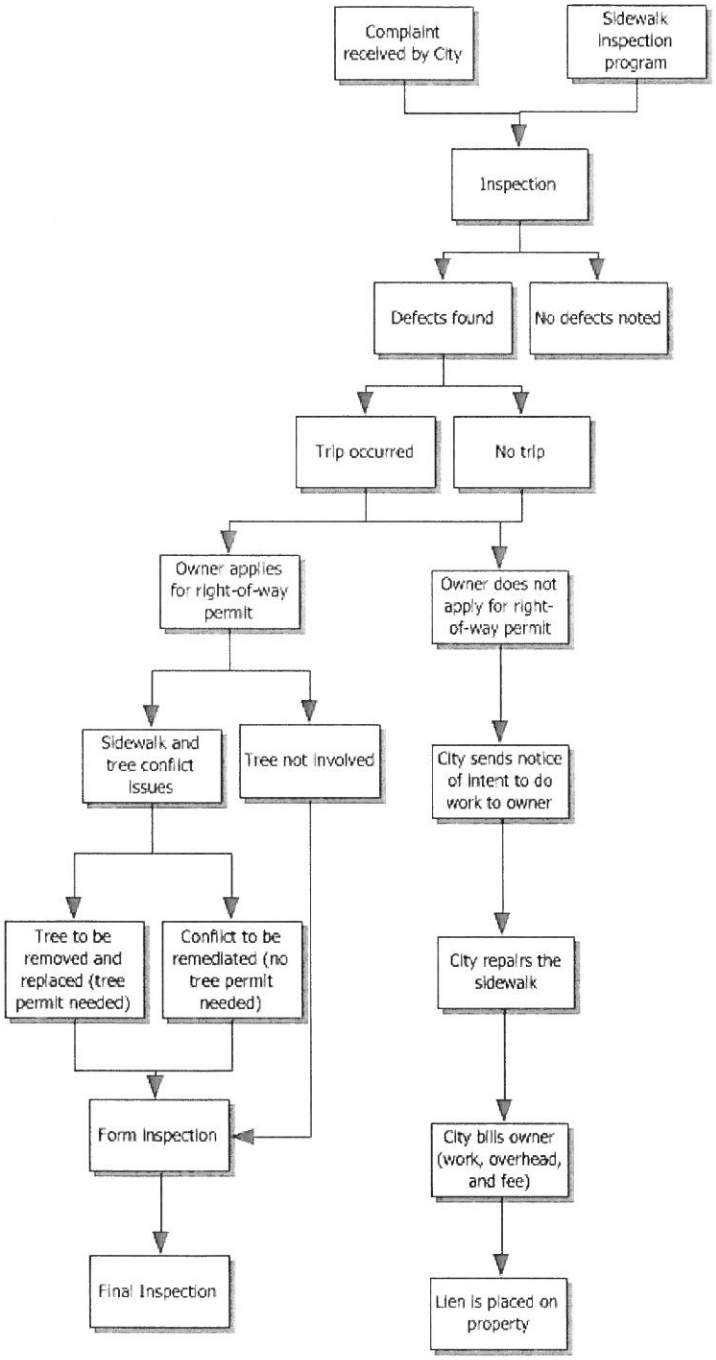
If you have questions about sidewalks, street trees or this handbook please call 503-665-9320. All inspection requests should go to 503-674-6244.

Sidewalk Maintenance Procedure

Procedure Overview



Detailed Procedure



Inspection Program

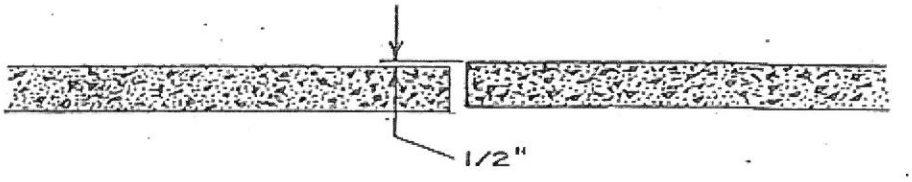
The goal of the Sidewalk Maintenance Program is to identify sidewalk defects and assist the property owner with the repair process. Public Works representatives are primarily looking for things that cause people to trip and fall, such as "stub toes" where the sidewalk is raised. Other defects may include holes, spalled or chipped areas, wide cracks, deterioration, and areas that are damaged by tree roots. The graphics shown on the following page provide examples of these types of damage.

To assist the Public Works representatives in the identification of defects, guidelines have been established for consideration when inspecting sidewalks. The inspection guidelines apply to the city street right-of-way where there are sidewalks. The inspector will identify the hazard and the area needing to be replaced to ensure a good and substantial repair.

Inspection Criteria and Guidelines

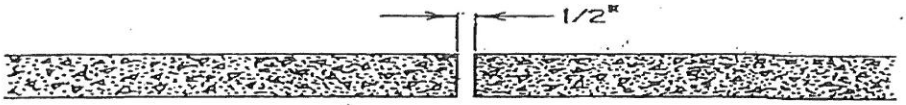
Stub Toes (Step Separation- Elevated Guide)

All "Stub Toes" latitudinal as well as longitudinal in the City right-of-way that are hazardous shall be identified for repair. A guideline of 1/2 inch rise for all sidewalk and driveway areas will be used in determining if a stub toe is hazardous.



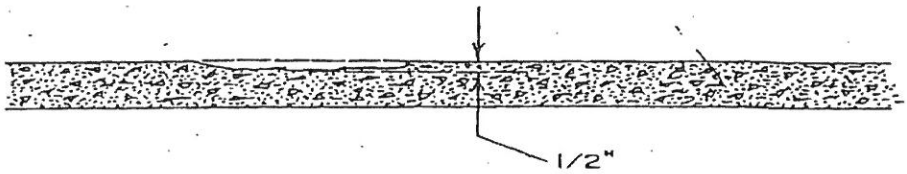
Openings (Holes, Wide Cracks, Concrete Separations)

All openings in the City right-of-way that are considered hazardous shall be identified for repair. A guideline of 1/2 inch width and 1/2 inch depth will be used in determining if an opening is hazardous.



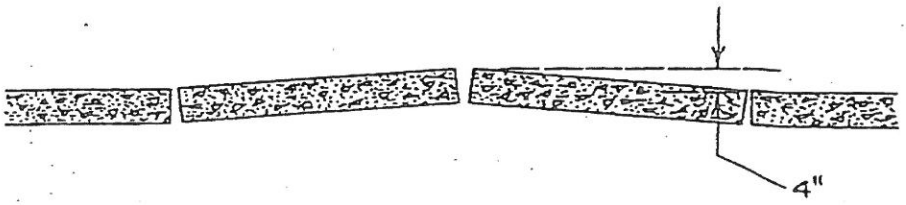
Spalled/Chipped Concrete

Spalled sidewalks and driveways, where the concrete is chipped to the point of creating a trip hazard shall be identified for repair. A guideline of 1/2 inch width and 1/2 inch depth will be used in determining if a spalled area is hazardous.



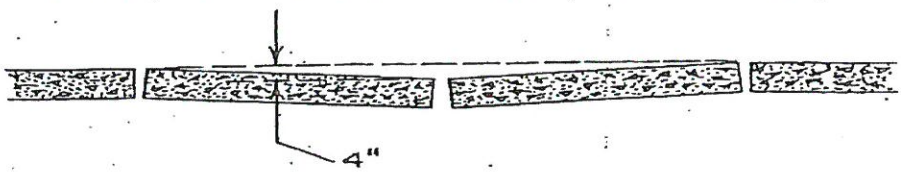
Raised Areas

Raised sidewalk and driveways shall be identified when the raised area is hazardous. A guideline, that the uppermost point of the raised area being greater than 4 inches from grade, shall be used in determining when a raised area is considered hazardous.



Sunken Areas

Sunken sidewalk and driveways shall be identified when it causes a trip hazard or has sunken 4" below original grade.



Root Damage at Adjoining Properties

Where a tree root has lifted the sidewalk or driveway at the property line, both properties will be notified to maintain grade. Both properties are notified because repairing only one property would create a stub toe at the property line. Each notice would have a notation about the adjoining property. To maintain quality of work, the properties should be repaired together but could be repaired separately by installing a transition area.

Corners

Guidelines for identifying and replacement of corners shall be the same as the guidelines used for sidewalks and driveways. City corners installed by City crews will comply with ADA specifications.

Curbs

Sidewalk inspections will identify curbs that need replacement during routine inspections. Curbs will be identified when they present a hazard, are generally in a deteriorated state, or no longer will facilitate or control drainage.

Curbs are the property owner's responsibility to repair when they are in combination with the sidewalk and/or have been damaged by tree roots or willfully damaged (driven on, etc.)

Curbs that are separated from the sidewalk with a parking strip/planting area, and that have not been willfully damaged are the responsibility of the City.

Trees

Trees are another one of the City's great assets. If the street tree needs to be removed and replaced prior to replacing the sidewalk it is important to be sure the replacement tree is the right size for the planter strip.

Only trees listed on the approved street tree list or part of a codified planting plan may be planted in the public right-of-way and shall follow the City of Fairview street tree planting guidelines. Approval to plant a tree that is not on the approved street tree list or on an approved planting plan must be obtained from the Public Works Director.

Complaints

Information received regarding hazardous sidewalk conditions in the City right-of-way at a specific location will be transferred to the Public Works Department. Hazardous sidewalk conditions may be reported to Public Works by calling 503-665-9320, or by reporting a concern on the City's website, www.fairvieworegon.gov and filling out the report form.

A sidewalk inspection will be performed within 5 working days of the complaint, and the property owner(s) for the address(es) in which the hazard is at will be notified and given 60 days to repair the sidewalk. If the complaint is based upon someone having tripped and fallen, the property owner will be given 20 working days to begin repairs. In addition, a sidewalk inspection will be performed in the general area for defects and notification sent accordingly. A guideline for the "general area" is the block face involved with the initial complaint.

Following the inspection of a property, if defects are found, a Sidewalk Repair Notice will be created, stating the date of inspection, legal property description, and a photo from the inspection. Property owners will be given a minimum of 60 days, with a possible 30 day extension by property owner request, to make repairs. If the property owner does not make the repairs City contracted crews will perform the repair work.

Notification

Property owners will be provided with the original copy of the Sidewalk Repair Notice; a form letter outlining the Sidewalk Maintenance Program, and "The Sidewalk Handbook" brochure. This information will be mailed to registered owners of identified properties as shown on current county tax records.

Public Works representatives are available to schedule appointments and meet with property owners to identify and explain the specific reasons for the identified hazard(s). Using the established guidelines, the Public Works Representative can assist the property owner by outlining repair alternatives so that the hazard may be corrected in the most economical method.

Sidewalk Repairs

Property owners who have received a Sidewalk Repair Notice have the following options:

Property Owner Repair

As the property owner you can do the job yourself if you have experience working with concrete or similar home maintenance projects. The property owner may eliminate identified defects in the following manner:

(1) Remove whole squares to full depth and replace with concrete. Skin patching is not an acceptable repair method, as it does not provide a good and substantial repair.

(2) Grinding of stub toes raised 1 inch or less with the approval and guidance of the Public Works representative.

Contractor Repair

A contractor hired by the property owner may eliminate posted defects in the following manner:

(1) All contractors are required to have a current license and bond through the Oregon State Construction Contractors Board. In cases that involve liability, the owner has recourse through small claims court. Permits will not be issued to contractors with licenses that have an inactive status according to the Oregon State Construction Contractors Board computer records.

(2) A City Business License or Metro Business License is also required when performing work within Fairview.

(3) Remove whole squares to full depth and replace with concrete. Skin patching is not an acceptable repair method, as it does not provide a good and substantial repair.

(4) Grinding of stub toes raised 1 inch or less with the approval and guidance of the Public Works representative.

City Repair

Prior to scheduling repairs to be made by City contractor crews, all identified defects in the area to be repaired will be re-checked. If upon re-checking, it is found that the defects have been repaired satisfactorily, crews will not be scheduled for that area and the sidewalk database will be updated accordingly.

Properties where the hazard has not been satisfactorily repaired will be marked out and scheduled for repair by private companies working on contract with the City (city contractor). Additional defects found may be marked out for repair as well.

The City will repair identified defects of 1" or less by grinding, and if grinding will not repair the hazard or the hazard is in excess of 1" the City will repair by removing and replacing whole squares to the proper depth per City code.

Time Extensions

Requests for 30 day time extensions will be granted if reasonable cause exists. The following conditions may cause the Public Works Department to grant extended time, more than 30 days, to property owners to make sidewalk repairs:

New Property Owner

When the previous owner did not disclose the initial sidewalk inspection report stating there was a hazardous sidewalk to repair/replace to the new property owner who acquired the property. These extensions are usually 60 days in length, with an additional 30 day extension per property owner request, but no more than a total of 90 days.

Legal Questions

When there are legal questions/matters concerning ownership, responsibility, property lines, etc., extensions may be granted until legal questions have been answered.

Plans for Construction/Remodeling

When the city right-of-way area of posted properties will be affected by construction and/or remodeling plans. In some cases, temporary repairs may be required before the extension is granted.

Permits

A permit is required prior to performing any work. Permits are available at Fairview City Hall, 1300 NE Village Street, 2nd Floor (503-665-9320). The permit will be issued to whoever intends to make the repair, i.e., property owner or contractor.

Inspection Requirements

Form Inspections

A form inspection is required when hazardous sidewalk areas have been excavated to proper depth, forms have been set, barricades or saw horses are in place, and all debris has been removed from the city right-of-way. The inspection insures that necessary lines and grades are correct, and that repair work is prepared and formed to meet city specifications and plans. Inspections will be made the following day after the request was made by calling the inspection request line at 503-674-6244, excluding weekends and legal holidays.

Once an inspection has been completed, a copy of the inspection report will be left onsite, with either the contractor or the property owner stating if the forms have passed inspection and if it is okay to begin pouring concrete. If corrections are needed to be made, another form inspection will be required before concrete can be poured. The same inspection time requirements as described above apply.

Final Inspection

A final inspection is required when the repair work has been completed, all forms are removed, and voids are backfilled with dirt or like material and compacted to grade, and the job site has been cleaned up. A minimum of two days must elapse between the time the concrete is poured and the final inspection is requested. This prevents possible spalling of green/uncured concrete when forms are removed.

Final inspections will be made the day after the request has been made, excluding weekends and legal holidays. If repair work is found satisfactory, it will be noted on the inspection form and left with the property owner. If work is found unsatisfactory, it will be noted on the inspection report and left with the property owner. Another final inspection will have to be requested. The same inspection time requirements as described above apply.

City Repair

The goal of the Sidewalk Maintenance Program is to repair sidewalks, driveway approaches, corners, and curbs in the city right-of-way. The City is responsible for sidewalk repair and replacement of hazardous sidewalks abutting to property owned and or maintained by the City.

The City may also repair/replace hazardous sidewalks when a property owner has not taken the appropriate steps to remedy the hazard within the time limits set in this document, or when a property owner has requested the City to make the repairs and bill them.

When the original notices for sidewalk defects have been sent to the property owners, they have 60 days to repair/replace the hazardous sidewalks (unless someone has already tripped, when they shall have only 20 days). If the property owner neglects to repair/replace the sidewalk within those 60 days, unless a 30 day extension has been issued, the City will then begin the process of having the hazardous sidewalks repaired/replaced. A minimum of 2 weeks before the City contractor crew is to begin repairing the sidewalks, a letter will be sent to each property owner stating the City's intent to repair, approximate repair date, and estimated cost for the sidewalk repairs. Properties to be repaired will receive a door hanger with the previously listed information a minimum of 3 days prior to crews beginning work.

Repair Charges

The repair amount is calculated to recover all direct costs, permit fees, and applicable overheads. When repairs have been completed, information will be sent to the City of Fairview Finance Department, who will prepare and mail an invoice to the registered property owner. The invoice will have information regarding the total cost of the repair work, plus the City's assessment fee of 10% to cover costs of establishing and managing the account.

Property owners will have 30 days from the date of the invoice to pay or finance their bill. If the invoice is not paid or financed by the 30 day deadline, the City will add late interest, penalties and collection costs to the bill. To insure payment, a lien will be placed on the property.

Financing

The City's Finance Department mails an installment payment contract with each final assessment notice. The contract describes the amount of the assessment, financing fees, the total loan amount, options for making loan payments, and the terms and conditions of the loan.

The City's monthly installment plans are calculated like auto or home loans. Over time, the payment is made up of larger amounts of principle and smaller amounts of interest, based on the interest rate and term of the loan. A billing transaction fee will also be added to each installment.

Appeal Process

All disagreements and appeals for sidewalk notifications, which cannot be resolved by the Public Works representative, will be directed to the Public Works Director. The Director will investigate all such cases and attempt to reach an agreement with the concerned parties.

If the disputed sidewalk notification is clearly in error, the Director will call for a re-inspection, cancel, or adjust the notification according to the findings. The efforts to resolve the dispute will be fully documented and be used as evidence, should the dispute be appealed to the City Council.

Sidewalk Repair Grant Assistance Program

The City of Fairview Sidewalk Repair Grant Assistance Program utilizes limited funds collected in the Street Fund. The funds will be available on a first come/first serve basis and are limited to the budgeted amount as adopted by the Fairview City Council.

Upon approval of a completed and approved Sidewalk Repair Grant Assistance application, the City may grant a property owner up to $6.00 per square foot of replaced sidewalk on local streets and up to $12.00 per square feet on Multnomah County streets for those properties that abut a sidewalk but have no direct connection to it. **The City may grant a property owner up to $100.00 for the purchase and installation of an 18" tree root barrier treatment.** Sidewalk Replacement Grant Applications must meet the following to be eligible for the grant program:

- Sidewalk work must be completed in accordance with City or County standards and requirements
- Sidewalk and street tree installation work must be inspected by and approved by the City or County
- Sidewalk must have been identified as a trip hazard or public safety issue by the City
- Receipts must be submitted for completed work

The program can provide assistance to repair concrete sidewalks that meet the defect criteria outlined in this handbook.

All other sidewalk repairs (i.e. spalling, openings, lift etc.) not meeting the criteria above are the responsibility of the abutting property owner and shall be repaired.

The City may grant up to $6.00 per square foot for the cost of a contractor to complete sidewalk replacements on local city streets and up to $12.00 per square feet on County streets for those properties that abut a sidewalk but have no direct connection to it. In no instance will the city grant funds in excess of the amount paid by the property owner for these services.

Property Owner Repairs

In the event a skilled property owner completes the sidewalk repairs and meets the criteria above, the following procedure is required to apply for the Sidewalk Repair Grant Assistance Program-

- Submit Completed Sidewalk Repair Grant Assistance Application
- Submit copies of all material expenses for repairs

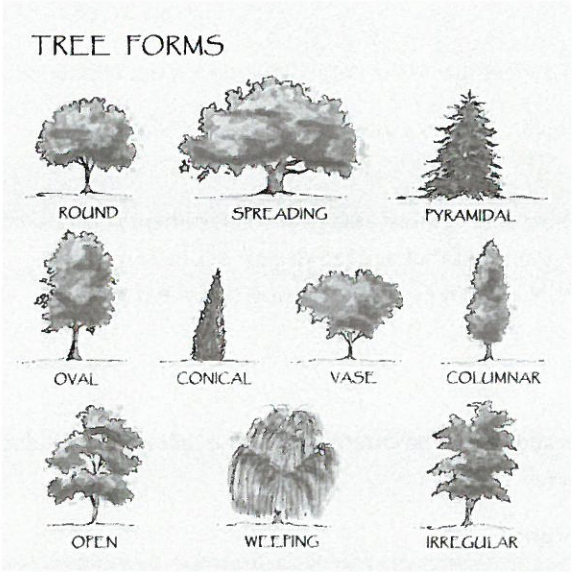
In no instance will the city grant funds in excess of the amount paid by the property owner.

Street Trees

Picking and Siting Your Street Tree

PICKING YOUR TREE

Choose a tree from the approved street tree list for the size of the planting space you have. All street trees must be at least 1 ½ inch diameter at breast height (dbh) at the time of planting. You will also need to consider if there are overhead power or other utility lines.



There are a number of other issues you should consider. Individuals have personal preferences and you will be living with these trees for many years. Try to pick a tree you love. These issues include:

- Height
- Spread
- Form (see illustration)
- Color (spring, summer, and fall)
- If the tree flowers or fruits
- Bark and leaf texture
- Attractiveness to birds or butterflies

It is also good to remember that tree roots usually spread about as far as their canopy. Picking a tree with a small canopy makes sense when you have smaller building setback or a smaller place to plant.

SITING YOUR TREE

Call Before You Dig. Utility lines may be buried in the desired tree planting area. For your safety and the safety of others, be sure to check for underground utilities. Call 503-246-6699 at least 48 hours in advanced before digging.

Contact Portland General Electric for information about tree removal and trimming around power lines 503-736-5460

A larger diameter planting hole promotes better tree health by aerating the soil. The planting hole should be about two to three times the size of the root ball. When locating the planting site for your tree, use the following guidelines. Measurements should be taken from the center of the trunk.

- *20 feet from the curb line of an intersection street.*
- *7 feet from alleys and driveways*
- *5 feet from fire hydrants*
- *10 feet from directional traffic signs*
- *20 feet from stop or yield signs*
- *2 feet from adjoining property lines*
- *25 feet from street lights*
- *20 feet from adjacent tree*

Planting Your tree

When to Plant – While it is okay to plant a tree any time of the year, the best time to plant a tree is when the tree is dormant during the winter months.

Do Not Compact Soil – Be sure not to pack the soil too tight when planting the tree. Compact soil makes it difficult for roots to grow outward and downward, which can result in raised sidewalks and an unhealthy tree.

Mulch – To hold in moisture and discourage the growth of competing weeds, spread mulch around the base of the tree. The mulch should be about 4 inches deep and kept about 6 inches from the trunk of the tree. Mulch could include grass clippings, compost or bark dust.

Stakes – The tree should be staked for at least the first year after planting. The stakes should be tied loose enough that the tree can sway 2 inches from side to side.

Caring For Your Tree

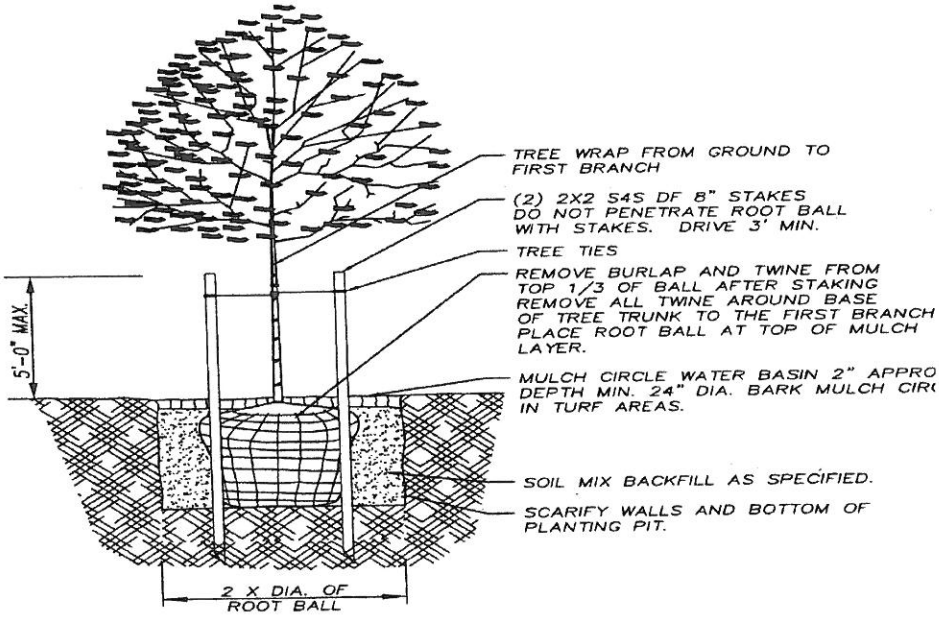
Trees Need Water – Your new tree will need 5-10 gallons of water once or twice a week for the first three years after planting. Watering your tree slowly and evenly will promote deep root growth; over watering your tree will promote shallow root growth which can result in raised walkways. A 5 gallon bucket with small holes in the bottom is an excellent method for watering your plant slowly.

Weed Around Your Tree – Other plants around the tree are competing for water. Be sure to remove competing plants several feet around the base of the tree.

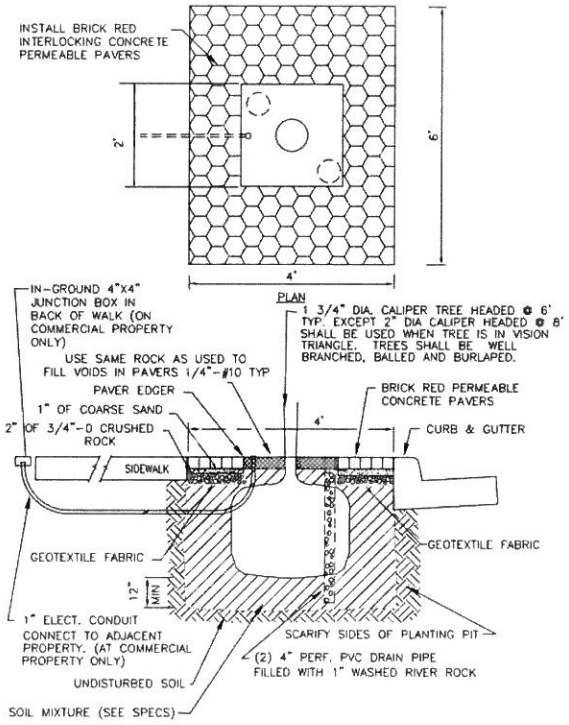
Bark Damage – Take care when mowing around the tree, bark damage can weaken the tree and make it susceptible to disease.

Remove Dead Branches and Suckers – Remove all dead branches in the tree canopy and suckers located at the base of the tree. This will allow the tree to focus its energy where it is needed and desired.

Planting in planter strips or behind the sidewalk



Planting in tree wells



Approved Street Tree List for Areas Outside the South Fairview Lake Design Overlay and Village Areas.

All street trees must be at least 1 ½ inch diameter at breast height (dbh) at the time of planting.

2-3 Foot Planting Area

Common Name	Botanical Name	Mature Height	Canopy Spread	Under Power Lines	Form	Fall Color	Fruit/ Flower	Birds/ Butter-flies
Japanese Tree Lilac	Syringa reticulata	20	15	X	Pyramidal		X	
Paperbark Maple	Acer griceum	25	20	X	Oval	X		
Chonosuki Crabapple	Malus schonoskii	30	15	X	Oval	X	X	
Adirondack Crabapple	Malus adirondack	18	10	X	Upright		X	

4-6 Foot Planting Area

Common Name	Botanical Name	Mature Height	Canopy Spread	Under Power Lines	Form	Fall Color	Fruit/ Flower	Birds/ Butter-flies
Flowering Ash	Fraxinius ornus	30	15	X	Round	X	X	X
American Hornbeam	Ostrya virginiana	35	35	X	Oval	X		
Black Tupelo	Nyssa sylvatica	45	20		Pyramidal	X		X
Silver Linden	Tilia tomentosa	45	35		Pyramidal	X		X
European Beech	Fagus sylvatica 'purpurea tricolor'	35	25		Oval			
Paperbark Maple	Acer griceum	25	20	X	Oval	X		
Princeton Sentry Ginko*	Ginko Biloba Princeton Sentry*	40	15		Columnar	X		
Kobus Magnolia	Magnolia kobus	40	30	X	Globe		X	
Chonosuki Crabapple	Malus schonoskii	30	15	X	Oval	X	X	

*Male tree only

Approved Street Tree List for the Village

Approved Street Tree List for South Fairview Lake Design Overlay