

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

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12.04.010 Improvements subject to plan review.

No person shall begin to construct, reconstruct, repair, alter or connect to any municipal utility or public improvement without first obtaining from the public works superintendent the separate plans approval for the following:

- A. Streets, curbs, curb cuts, driveways and any other surface improvement within a public right-of-way or public easement;
- B. Storm sewer improvements and appurtenances, service lines and ditches;
- C. Sanitary sewer improvements, including any appurtenances or service lines within a public right-of-way or a public easement;
- D. Waterline improvements, including any appurtenances, service lines, or fire hydrants within a public right-of-way or a public easements;
- E. Fire service lines and appurtenances to the point where they connect to the building fire system;

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- F. Any accommodation for vehicle parking with five or more vehicle spaces as required in Chapter 16.76;
- G. Private streets improvements;
- H. Street closure. If any of the improvements described by subsections A through G of this section requires the temporary closure of a street, alley, lane of traffic or sidewalk to vehicle or pedestrian, a plan for the closure must be submitted to the public works department for review and advance approval.

(Prior code § 2.110)

12.04.020 Submission of plans required.

- A. Improvement plans for any improvement listed in Section 12.04.010 shall be submitted for review and shall have the written approval of the public works superintendent or his or her designated representative prior to the construction, reconstruction, repair, excavation or grading.

All plans, wherever possible, must be submitted simultaneously to facilitate checking for conflicts. Plans not submitted simultaneously may be subject to separate and additional plan review fees.

- B. All improvement plans submitted for approval shall be subject to the standard specifications, policies and procedures, plan check and permit fees of the city in effect at the time of application or reapplication for plan check.
- C. Except as provided in subsection D of this section, such plan approval shall be void upon expiration of six months from the date of said written approval in subsection A of this section.
- D. Upon a written finding by the city that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of construction plans, the public works superintendent may extend the approval period. No more than four six-month extensions shall be granted for any one improvement, resulting in a maximum time extension of two years. Reapplication for plan check must be made with the public works superintendent or his or her designated representative on or before expiration of the six-month period or any approved extension herein if the permit is not issued in the approval or extension period.
- E. Street and public utility plans, reports or documents required by this code shall be prepared by and certified by a registered professional civil engineer licensed by the state of Oregon.

(Prior code § 2.115)

12.04.030 Application for plan review.

An application or reapplication for plan review shall be filed prior to the commencement of work on any applicable improvement by the applicant or the applicant's responsible design engineer. Application shall be made to the public work superintendent and shall include the following information:

- A. Name and address of the owner or owners of the property to be served by the improvements;
- B. Name and address of the developer of the property;
- C. Name, address and telephone number of the design engineer;
- D. Two sets of preliminary plans showing a vicinity map and details of all proposed improvements, including but not limited to applicable street widths and property lines, grades existing and proposed ground profiles, contours, drainage plan with contours, hydraulic calculations, soil boring logs, existing improvements and utilities, and appropriate soils report prepared by a registered civil engineer licensed by the state of Oregon and signed by him or her and stamped with his or her seal to indicate his or her responsibility for them as may be required;

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- E. Specifications and easements required with legal descriptions as applicable, accompanied by drawings showing area covered by said legal description;
- F. Applicant's covenant that all federal and state laws and regulations have been complied with, including a copy of any permits required by federal, state or county agencies;
- G. The engineer's estimated construction costs of the proposed project;
- H. Proposed work schedule and any amendment;
- I. Evidence of bonding requirements as set forth in Section 12.04.050;
- J. Such other information as the public works superintendent shall find reasonably necessary for the determination of whether plans shall be approved for permit.

(Prior code § 2.120)

12.04.040 Plan review and service fees.

- A. A service fee prescribed by resolution of the city council shall accompany the application or reapplication required by Section 12.04.030.
- B. Fees provided in subsection A of this section are nontransferable and nonrefundable. Any change in applicant shall require reapplication for permit.
- C. In computing the plan review fees, the city shall compare applicant's engineer's cost estimates with current bid prices for city contract projects. The actual plan review shall be as determined by the public works superintendent, in his sole discretion prior to approval and issuance of a permit.
- D. Work being done under contract with the city shall be exempt from the provisions of Sections 12.04.010 through 12.04.050.
- E. Failure to obtain timely plan approval as required by this code shall result in an assessment from applicant equal to two times the fee specified in subsection A of this section, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code and the execution of the work, nor from any other penalties prescribed herein.

(Prior code § 2.125)

12.04.050 Bonds or other written evidence to be filed.

- A. No plans approval shall be issued pursuant to Sections 12.04.010 and 12.04.020 unless there is filed with the application the following:
 - 1. A performance guarantee in the form specified in Sections 12.16.040 and 12.16.050 sufficient to satisfy the public works superintendent that the work shall be done in accordance with city standards and specifications.
 - 2. A maintenance bond or other written evidence in a form approved by the city attorney guaranteeing the work performed for a period of one year after completion of the project ("warranty period") and written acceptance by the superintendent. The maintenance bond may be incorporated in and made a part of the construction bond.
 - 3. The applicant shall file satisfactory evidence of insurance protecting and saving harmless the city, its officers, agents and employees from all claims for damages or injury to other persons by reason of such alteration work prior to acceptance and for a period of one year thereafter. Such insurance, if required, shall be in not less than the amount specified in ORS 30.270 and the evidence thereof shall be in a form approved by the city attorney.

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- B. Prior to final acceptance and start of the one-year warranty period, the applicant's engineer must submit the following:
1. Five sets of black line prints of as built drawings prepared and certified by a registered professional engineer licensed by the state of Oregon;
 2. All additional easements required due to construction changes accompanied by a drawing showing area covered by said easement plus legal descriptions as applicable;
 3. Such other information as the public work superintendent shall deem necessary for final acceptance.
- C. Prior to final acceptance and start of the one-year warranty period for a sanitary sewer project, the applicant's engineer shall notify the public works superintendent that the system is complete and ready for pre-final inspection. The applicant shall cause inspection of the system by means of a closed circuit TV camera to assure that there are no cracks in the pipe, that all joints are tight, the deflection is within acceptable tolerances and that there are no conditions apparent which would permit the infiltration of ground water into the system.

(Prior code § 2.140)

12.04.060 Government agency agreement in lieu of guarantees.

A governmental agency may, in lieu of those guarantees required by Section 12.04.050(A), guarantee in writing that all work will be done in accordance with city standards and in accordance with the plans approved by the department of public works, and shall indemnify the city for all costs of completing or correcting the work that shall become necessary.

(Prior code § 2.145)

Chapter 12.08 CONSTRUCTION AND MAINTENANCE

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12.08.010 Application for permit.

No sidewalk, driveway or curb shall be laid down or constructed without first acquiring a permit from the city. Application for such permit shall be filed with the superintendent of public works on forms to be furnished by the city and shall be signed by the owner of the property contiguous to the intended construction. The application shall show the description of the contiguous property and the location of the intended construction in relation thereto; whether in a residential, commercial, industrial or open space/public facilities zone; name and address of the contractor, if any; time of beginning and estimated time of completion of such construction; and such other information as may be required by the city.

(Prior code § 2.205)

12.08.020 Filing fee.

The filing fee for a permit to construct a sidewalk, driveway or curb shall be set by the council by resolution.

(Prior code § 2.210)

12.08.030 Grade level survey and deposit.

Upon application for a permit having been made, the superintendent of public works shall make an estimate of the cost of a survey to establish the grade, elevation and alignment of the proposed curb and sidewalk. The superintendent of public works shall advise the applicant of the amount of the estimate and the applicant shall be required to deposit with the city cash in the amount of the estimate. When the deposit has been made, the superintendent of public works shall order the survey. When the survey has been completed, the cost thereof shall be paid from the applicant's deposit. If the deposit is insufficient to pay the cost, the applicant shall be billed for the difference. No permit shall be issued until the entire cost has been paid. If the cost of the survey is less than the deposit, the excess shall be returned to the applicant. When the survey has been completed, the superintendent of public works shall issue a permit to construct the sidewalk in accordance with the survey.

(Prior code § 2.220)

12.08.040 Sidewalk to be constructed in a different location.

If the applicant desires to construct the sidewalk in a location other than that provided for in this chapter or in the master street plan adopted by the superintendent of public works shall not cause a survey to be made until the applicant shall have applied for and received a variance from the board of adjustment. The procedure for obtaining a variance shall be the same as is provided for variances under Title 16.

(Prior code § 2.230)

12.08.050 Board of adjustment consideration of variance.

If, at the existing hearing, the board of adjustment finds that, by reason of existing construction of buildings or of sidewalks, it would be impractical or undesirable from a planning viewpoint to require the sidewalk to be placed as provided in Sections 12.08.070 through 12.08.120, or in accordance with the master street plan, the board of adjustment may grant a variance from such requirement specifying the manner in which the variance shall be allowed and the condition upon which the permit is to be granted.

(Prior code § 2.235)

12.08.060 Expenses of construction.

All sidewalk, driveway and curb construction pursuant to a permit required by Section 12.08.010 shall be made and done at the sole expense of the owner of the property contiguous to such construction. The city shall be held harmless from all such expenses or any part thereof. Thereafter, such owner shall keep the construction in good condition and repair. The superintendent of public works shall have general supervision over sidewalk and curb construction.

(Prior code § 2.245)

12.08.070 Estoppel or waiver.

No provision of Sections 12.08.010 through 12.08.130 shall be construed as an estoppel against, or a waiver by the city to assert any right, power or authority granted to it by the Charter of the city.

(Prior code § 2.250)

12.08.080 Sidewalk areas.

Sidewalk areas within the city shall be and are defined and established as being that area between the curb line of the street and the property line except the planning commission may, if the sidewalk area doesn't provide room for construction of a sidewalk of sufficient width for the anticipated use, require additional sidewalk width to be built on the property adjoining the defined sidewalk area as a condition of design review approval.

(Prior code § 2.255)

12.08.090 Residential, commercial, industrial and open space public/facilities zones.

Residential, commercial, open space/public facilities zones as referred to in Sections 12.08.010 through 12.08.130 shall be as determined by Section 16.12.060.

(Prior code § 2.260)

12.08.100 Residential, industrial and open space/public facilities sidewalks.

The sidewalk areas in the residential, industrial and open space/public facilities zones of the city are designated and established for the use of the public in the following manner:

- A. Except as provided in subsection B of this section, the first five feet outward from the street gutter line shall be the area upon which shall be constructed the curb and main walkway for pedestrian travel. The area remaining, if any, between the sidewalk and the property line is reserved for use of the city in laying utility lines, buried electric or telephone transmission lines, or such other public use as the city may determine from time to time. Subject to such use, the area shall be available for pedestrian travel, beautification of surroundings, or such other use by the owner or occupant of the abutting property as may be authorized by the city.
- B. In any block or area where the street master plan conflicts with the requirements of subsection A of this section, the design in the street master plan shall prevail and in any block here an existing sidewalk is in a good state of repair but does not conform to the requirements of subsection A of this section, any additional sidewalk constructed along an extension of the line of such nonconforming sidewalk in the same block shall be aligned with the existing sidewalk.

(Prior code § 2.265)

12.08.110 Commercial zones.

The entire width of the sidewalk area, up to ten (10) feet, as defined in Section 12.08.080 is designated as the area upon which shall be constructed the main walkway for pedestrian travel in commercial zones, subject, however, to such other public use as may be determined and authorized by the city from time to time, with the outer six inches being the curb.

(Prior code § 2.270)

12.08.120 Curbs and sidewalk specifications.

The materials and method of construction of curbs and sidewalks shall be set by the public works superintendent, and shall meet or exceed the industry standard applicable to such materials and method of construction. The specifications for curbs and sidewalks may be obtained from the public works office.

(Ord. 2000-5 § 1: prior code § 2.271)

12.08.130 City removal of sidewalk.

In addition to any other penalty that may be imposed, sidewalk construction performed in violation of Sections 12.08.010 through 12.08.120 may be removed by order of the council. The adjacent property owner and any contractor doing the construction shall be jointly and severally liable for the cost of such removal.

(Prior code § 2.280)

12.08.140 Duty of landowners.

It shall be the duty of all landowners in the city to maintain in good repair all sidewalks now existing or hereafter constructed in front of, along or abutting their land.

(Prior code § 2.382)

12.08.150 Sidewalk repairs—Permit required.

Before making any sidewalk repairs, the landowner responsible therefore shall apply to the recorder for a permit to make repairs. The permit shall describe the location of the sidewalk to be repaired, a description of the property abutting such sidewalks, the name of the owner or reputed owner thereof, the type or kind of repairs to be made, the material to be used in making the repairs, and a time limit in which the repairs are to be completed, not exceeding sixty (60) days from the date of such permit. No charge shall be made for the issuance of such permit.

(Prior code § 2.383)

12.08.160 Service of notice to repair.

If any landowner responsible for repairing any sidewalk fails or refuses to apply for a sidewalk repair permit, then it shall be duty of the city recorder to deliver a notice to repair to such owner if he is a resident of, or can be found in, the city. If the owner is not a resident of Estacada or cannot be found in the city, such notice shall be sent by certified mail, with return receipt requested, to the last known address of such owner as may appear in the records of the Estacada city recorder. The notice shall contain the name or names of the owners or reputed owners of the property responsible for making any sidewalk repairs, the location of the sidewalk to be repaired, a description of the property abutting the sidewalk, the type or kind of repairs to be made, the materials to be used in making the repairs, the time limit within which the repairs are to be made, a reference to this chapter, the date of the notice, and the signature of the city official giving the notice. A copy of such notice shall be filed with the Estacada city recorder. If any such notice which is mailed is not receipted for by the owner, or is returned by the post office department because the owner cannot be located, then the city recorder shall post a copy of such notice for a period of not less than ten (10) days in a conspicuous place on the property of such owner. The city recorder shall indicate on the copy of the notice filed with the city recorder the date that the original notice was delivered or mailed, the name and address of the person to whom it was delivered or mailed, and the date and place the notice was posted, if posting is required.

(Prior code § 2.384)

12.08.170 Expense—Repair requirements—Time limits.

All sidewalks repairs shall be made at the expense of the landowner responsible for making the repairs, and all repairs shall be made in accordance with the requirements set forth in the sidewalk repair permit or the sidewalk repair notice, and within the time limited therefore. Time limits for making sidewalk repairs may be extended by the Estacada city council on application of the landowner or his or her lawful agent, and on good cause being shown for the granting of an extension.

(Prior code § 2.385)

12.08.180 Repair by city.

If any landowner responsible for making sidewalk repairs fails to make such repairs in the manner and within the time required by either the repair permit or the notice of repairs, then the Estacada city council may direct the recorder to make such repairs, or the council may, if it elects, let a contract for making such repairs. After the costs of making such repairs have been determined, the city recorder shall report the same to the city council, and the council shall, by resolution, direct the city recorder to enter the amount plus fifteen (15) percent for administrative, legal and engineering expenses in the docket of the

city liens, as an assessment against the property together with the date of entry, the name of the owner, and a description of the property assessed. The assessment shall thereafter be collected in the manner prescribed by ORS 223.505 to 223.595, and all assessments docketed as liens shall draw interest at the rate of nine percent per year from the date of the entry in the city lien docket until paid.

(Prior code § 2.386)

12.08.190 Liability of land owners.

The owners of all property responsible for repairing sidewalks as provided in this chapter shall be liable in damages to individuals injured because of any negligence to such owners in failing to keep a sidewalk in good condition, and no liability shall be imputed to or imposed upon the city, its officers or employees, because of injuries sustained by any person, by reason of any defect in any sidewalk, nor because of any extension of time having been granted by the city council for repairing any defects in sidewalks.

(Prior code § 2.387)

12.08.200 Street intersections—Obstructions to visibility.

- A. On property at any corner formed by intersecting streets, it is unlawful to install, set out, or maintain, or to allow the installation, setting out, or maintenance of any sign, hedge, shrubbery, natural growth, or other obstruction to the view higher than two feet six inches above the level of the center of the adjacent intersection within that triangular area between the property line and a diagonal line joining points on the property lines fifteen (15) feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curb and a diagonal line joining points on the tangents fifteen (15) feet from the point of their intersection. The tangents referred to are those beginning at the end of the curve at the corner.
- B. The foregoing provision shall not apply to permanent building, public utility poles, trees trimmed (to the trunk) at a line at least eight feet above the level of the center of the adjacent intersection, saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave all seasons clear and unobstructed cross view; supporting members of to permanent buildings existing on the date the ordinance codified in this chapter becomes effective; official warning signs or signals; or to places where the contour of the ground is such that there can be no cross visibility at the intersection.

(Prior code § 5.359)

Chapter 12.12 PRIVATE DRIVEWAYS

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12.12.010 Private driveways.

No private driveway shall be constructed which has a grade of fourteen (14) percent or more at any point thereon lying within forty (40) feet of the intersection of such drive and the right-of-way line of the public street it intersects; provided, however, that such requirements shall not apply if no portion of the drive lying within twenty (20) feet of the intersection of the drive and the public street exceeds a grade of four percent.

(Prior code § 9.060)

12.12.020 Permit required.

No driveway shall be constructed which intersects a public street unless a permit has first been obtained from the city for such construction. The permit shall be applied for in the same manner as are building permits. If a private drive is to be built in conjunction with the construction of a structure for which a building permit is required, the driveway permit may be issued as a part of the building permit. Fees for driveway permits shall be computed in the same manner as for building permits. There shall be submitted with the application for a driveway permit a plan of the driveway showing its width, location of entry to the street in reference to intersections or curves and its proximity to fire hydrants, transformer pads and any other obstructions located in the public right-of-way. There shall also be submitted the profile of the centerline of the proposed private drive showing the percent of grade along its entire length and the length and design of transitional vertical curves. Elevations of the driveway at its entrance to the street and at its terminus shall be shown. On review of the plan and profile and payment of all fees required, the building official shall issue a permit for construction if the plan and profile meet the requirements of this section.

(Prior code § 9.061)

12.12.030 Private driveway construction requirements.

All private drives for which a permit is required pursuant to Section 12.12.020 shall be constructed with a hard surface of asphaltic or Portland cement concrete. No hard surface shall be placed on any such drive until the drive has been inspected by the building official following the completion of grading and setting of forms, if forms are necessary.

(Prior code § 9.062)

12.12.040 Variance from private drive requirements.

The city council, upon appeal, is authorized to grant a variance from the requirements applicable to construction of private drives intersecting public streets when the applicant can show that by reason of particular and exceptional conditions the strict application of this chapter would result in real and unnecessary hardship, and the council through its investigation and the evidence before it is satisfied that the granting of the variance will alleviate a hardship and will not be detrimental to the public welfare and adjacent property. In granting such variance, the city council may impose such requirements upon the applicant as may be necessary under the circumstances to carry out the intent and purpose of this chapter.

(Prior code § 9.063)

Chapter 12.16 STREET EXCAVATIONS

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12.16.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory.

"City manager" means the city manager of the city of Estacada, or his or her appointed agent, including the public works director.

"Excavation" means any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

"Facility" means pipe, pipeline, tube, main, service trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

"Public place" means any public street, street right-of-way, place, alley, sidewalk, park, square, plaza or any other public property owned or controlled by the city.

"Substructure" means any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire, or any other structure located below the surface of any public place.

"Vital structure" means those elements of the fire and safety protection systems of the city, and those elements of public and private utility systems, which are vital to the health and safety of the city.

(Prior code § 2.300)

12.16.020 Excavation permit.

No person shall excavate or fill an excavation in a public place without first obtaining a permit from the city, except as otherwise provided in this code. The fee for an excavation permit shall be set by the council by resolution.

(Prior code § 2.305)

12.16.030 Application.

No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the city manager. The written application shall state that the applicant agrees to comply with prescribed procedures for making and restoring cuts and to make the necessary payments for work performed by the city. The application, when approved and signed by the city manager, or his or her duly appointed agent, shall constitute a permit.

(Prior code § 2.310)

12.16.040 Surety bond and insurance.

Before an excavation permit as herein provided is issued, the applicant shall:

- A. Deposit with the city manager a corporate surety bond written in the amount of one thousand dollars (\$1,000.00) or the estimated cost of backfilling the excavation and resurfacing the street, whichever sum is the greater. The corporate surety bond shall be in the form of a performance

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bond insuring the applicant's performance of all the terms and conditions for an excavation permit as set forth in this code;

- B. Deposit with the city manager a certificate of comprehensive public liability insurance covering the work to be done by the applicant under the excavation permit, if issued. The amount of coverage of the policy shall be not less than five hundred thousand dollars (\$500,000.00) for any one occurrence, five hundred thousand dollars (\$500,000.00) for any one person, and one hundred thousand dollars (\$100,000.00) for property damage. This policy shall protect and save harmless the city, its officers and employees against any and all claims, demands, judgments or otherwise arising from and other work covered by the excavation permit. The policy shall further provide that the applicant and his or her insurance company shall defend and pay all costs of defending the city, its officers and employees, in any suit or action or other proceeding which may be filed against them, or any of them, as a result of permittee's work and activities under the excavation permit;
- C. An annual bond or insurance certificate may be submitted under these provisions which shall remain in force for one year, in accordance with the specifications and conditions set out in subsections A and B of this section, but applicable as to all excavation work in public places by the principal during the terms of one year from said date;
- D. Private utility companies performing work in the city, and city departments and other government agencies, are relieved of the obligation of submitting a surety bond. A private utility may, in lieu of a certificate of insurance, file with the city a statement of self-insurance for the amounts and purposes set out in subsection B of this section.

(Prior code § 2.315)

12.16.050 Cash deposits.

The application for an excavation permit to perform excavation work on a paved surface under this chapter shall be accompanied with a cash deposit, of a sum equal to one dollar and fifty cents (\$1.50) per square floor of paved surface on each excavation to be made in public places which have been paved. No deposit shall be less than thirty-five dollars (\$35.00). Any person intending to make openings or excavations in public places may make and maintain with the city recorder a general deposit in the sum of one thousand dollars (\$1,000.00) cash, and the person so depositing shall not be required to make the special deposits provided in this section but shall, however, be required to comply with all other applicable provisions of this chapter. Any special or general deposit made hereunder shall serve as security for the repair and performance of work necessary to put the public place in as good a condition as it was prior to the excavation, if the permittee fails to make the necessary repairs, or to complete the proper refilling of the opening and the excavation work under the excavation permit. The city may use any or all of any such deposit to pay the cost of resurfacing the street and to pay the cost of any work the city performs to restore or maintain the public place as herein provided in the event the permittee fails to perform such work. After these costs are met, the city shall refund the balance of the deposit to the permittee, provided that there shall be a minimum charge of thirty-five dollars (\$35.00) for all pavement cuts.

(Prior code § 2.320)

12.16.060 Additional charge for excavation of newly surfaced streets.

In order to conserve new paving and resurfacing of streets, pavement cuts are prohibited therein except for emergency repairs or upon payment of an additional charge. The additional charge shall be five times the cost of restoring the pavement surface during the first year, four times the restoration cost during the second year, three times the restoration cost during the third year, two times the restoration cost during the fourth year, and equal to the restoration cost during the fifth year. This additional charge shall be computed in addition to the normal resurfacing charge, and shall be computed from the date at

which the city accepted the newly paved surface. In order to avoid the necessity of these additional charges, the city shall inform utilities and affected property owners before new paving or resurfacing is performed.

(Prior code § 2.325)

12.16.070 Routing and protection of traffic.

The permittee shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public; provided, that the city manager may permit the closing of streets and alleys to all traffic for a period of time prescribed by him or her if in his or her opinion it is necessary.

The permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible, and safe crossings for pedestrians at intervals of not more than three hundred (300) feet.

If an excavation is made across a public street, alley or sidewalk, at least one safe crossing shall be maintained when possible for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.

It shall be the duty of every person making an excavation in or upon any public place to place and maintain such barriers and warning devices necessary for safety according to any standard city specifications on file with the public works director. Warning signs shall be placed far enough back of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic, all in accordance with any standard city specifications on file with the public works director. The permittee shall notify the city when the public street is again usable to traffic. He or she shall see that all barriers are removed at this time so that normal traffic routing can proceed. Barriers shall meet standard city specifications.

Warning lights shall be flares, torches, lanterns, electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Torches shall be open wick or flame flares or bombs generally used in connection with roadway repairs or construction and operating on kerosene or a similar fluid. Lanterns shall be kerosene or a similar fluid; burning lanterns shall have clear red or ruby globes. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting materials may be used to supplement, but not replace, light sources.

The permit for a street excavation may require that the permittee give notification to various public agencies and to the general public. In such case, such permit shall not be valid until such notice is given.

(Prior code § 2.330)

12.16.080 Clearance for vital structures.

The excavation work shall not interfere with access to vital structures.

(Prior code § 2.335)

12.16.090 Relocation and protection of city-owned utilities.

The permittee shall not interfere with any existing city-owned utility without the written consent of the city manager. If it becomes necessary to relocate any existing city-owned utility, this shall be done by the

city. No utility owned by the city shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee.

The permittee shall support and protect by timbers or otherwise all substructures which may be in any way affected by the excavation work, and do everything to support, sustain and protect them under, over, along or across the work. In case any substructures should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, they shall be repaired by the owner and the expenses of such repairs shall be charged to the permittee, and his or her surety bond shall be liable therefor. The permittee and his or her surety shall be liable for any water damage done to any public property by reason of breaking of any water pipes, sewers or other city-owned utility, and his, her or its bond shall be liable therefor.

When it is found desirable by the city manager, other utilities will be notified by the permittee of his or her intention to make an excavation. This will be done in order that these facilities may make arrangements to perform any work planned for that same area at the time the excavation is made.

(Prior code § 2.340)

12.16.100 Abandonment of structures.

Whenever the use of a substructure is abandoned, the person owning, using, controlling or having an interest there shall, within thirty (30) days after such abandonment, file with the city manager a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way, or subsequently becomes in the way, of an installation of the city or any other public body, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the city or any other public body.

(Prior code § 2.345)

12.16.110 Protection of adjoining property.

The permittee shall at all times at his, her or its own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose and if he or she cannot obtain a license from such owner, the city manager may authorize him or her to enter the private premises at reasonable hours solely for the purpose of making the property safe.

The permittee shall, at his or her own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage resulting from his or her failure properly to protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. Access to driveways shall be kept open insofar as possible during the performance of work by the permittee.

When it is found desirable by the city manager, the permittee shall be instructed to send notice by mail of work to be performed to abutting property owners. This shall be done in order to minimize inconvenience to such property owners in their normal usage of the public streets.

(Prior code § 2.350)

12.16.120 Care of excavated material.

All material excavated from trenches and piles adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the permittee shall haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

Whenever necessary in order to expedite the flow of traffic or to abate the dirt or dust nuisance, tow boards or bins shall be required by the city manager to prevent the spreading of dirt into traffic lanes.

All trench and tunnel excavations and construction shall conform with safety requirements for shoring, bracing and ladders in trenches conforming to standard city specifications on file with the public works director.

(Prior code § 2.355)

12.16.130 Clean up.

As the excavation work progresses, all streets shall be kept thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be complete. From time to time, as may be ordered by the city manager, and in any event immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work, and upon failure to do so within twenty-four (24) hours after having been notified to do so by the city manager, the work may be done by the city and the cost thereof charged to the permittee.

(Prior code § 2.360)

12.16.140 Protection of watercourses.

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersection street, an adequate waterway shall be provided and at all times maintained.

The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other runoff pumped from the excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from his, her or its failure to so provide.

(Prior code § 2.365)

12.16.150 Breaking through pavement.

- A. Heavy duty pavement breakers shall be prohibited by the city manager when the use may endanger existing substructures or other property.
- B. The city manager shall require cutting of pavement surfaces ahead of excavations in such a manner as to confine pavement damage to the limits of the trench. Pavement wearing surface cuts shall be made with a sharp edged tool which will result in a smooth edge along the sides of the excavation.
- C. Sections of sidewalks shall be removed to the nearest score line or saw cut edge.

- D. Unstable pavement shall be removed over cave-outs and over-breakers and the sub-grade shall be treated as the main trench.
- E. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- F. Cutouts outside of the trench lines must be normal or parallel to the trench line.
- G. Boring or other methods to prevent cutting of new pavement may be required by the city manager.
- H. The permittee shall not be required to repair damage existing prior to excavation unless his or her cut results in small floating sections that may be unstable, in which case the permittee shall remove and refill the area.

(Prior code § 2.370)

12.16.160 Depth of structures.

No person shall, without written permission of the city manager, install any substructure, except manholes, vaults, valve casings, culverts, and catch basins at a distance less than:

- A. Streets: thirty (30) inches below the established street or alley grade.
- B. Parkways: (1) the minimum depth of any substructure shall be twenty-four (24) inches below established street or alley grade when the substructure parallels the parkway; (2) the minimum depth of any substructure shall be twenty-four (24) inches below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.
- C. Other public places: the minimum depth of any substructure in any other public place shall be twenty-four (24) inches below the surface; provided, however, that the city manager may permit a lesser depth in special cases.

Nothing in this section shall impose a duty upon the permittee to maintain the specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of, or travel on, a public street.

(Prior code § 2.375)

12.16.170 Backfilling.

Selected backfill material shall be placed in trenches containing pipe simultaneously on both sides of the pipe for the full width of the trench in layers about four inches in depth and tamped thoroughly with a pneumatic tamper. The entire depth of the trench shall be thoroughly compacted with selected material by means of hand or mechanically operated tampers, in layers of approximately four inches and shall be brought to the required surface grade without damage to pipe.

In lieu of the backfilling procedure specified above, river run gravel or crushed rock or gravel may be used for backfilling that portion of the trench more than six inches above the top of the pipe, provided the maximum size of material shall not exceed four inches in diameter and shall be of uniform gradation within twenty (20) percent or more passing a one-fourth-inch square screen.

When this procedure is followed, tamping the rock or gravel is not necessary. The upper three inches of backfill shall be made with three-fourths-inch to zero-inch mineral aggregate and compacted flush with the existing pavement. The backfilled trench shall be maintained by the permittee in such a manner that will provide a smooth crossing until such time as the street is repaved.

The city manager may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his or her opinion backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted such tests

show that the backfill material meets the minimum requirements as prescribed by this chapter. All expense of such tests shall be borne by the permittee.

(Prior code § 2.380)

12.16.180 Restoration of surface.

Permanent resurfacing of excavations shall be made by the city or by a contractor approved by the city manager where the type of consolidation used in replacing the backfill is adequate to prevent settling and when the moisture content of the backfill is not excessive.

In the event the type of consolidation used in replacing the backfill is not adequate to prevent further settling or the moisture content is excessive, temporary resurfacing shall be provided by the permittee. If temporary resurfacing is provided, the top surface of the backfill shall be covered with one inch of bituminous material. Such temporary paving material shall be cold mix, except that the permittee may use or the city manager may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over is at a legal rate of speed. The permittee shall maintain temporary paving after all backfilling is completed, and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, except that if it is impractical to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and light when required herein.

(Prior code § 2.381)

12.16.190 City's right to restore surface.

Upon completion of the backfilling, and when the required temporary resurfacing of an excavation within a public place for the installation or removal of substructures is to be replaced by permanent surface, the city manager may require the permittee to resurface that portion of the street surface damaged by the permittee's excavation, in which event resurfacing shall be done in a manner and under specifications prescribed by this code, subject to inspection, and shall be completed after such authorization to complete final resurfacing. The city manager may elect to do such resurfacing with city employees, in which event the cost of such resurfacing shall be borne by the permittee.

(Prior code § 2.390)

12.16.200 Acceptance of restoration.

Acceptance or approval of any excavation work by the city manager shall not prevent the city from asserting a claim against the permittee and his, her or its surety under the surety bond required hereunder for incomplete or defective work if discovered within twenty-four (24) months from the completion of the excavation work. The presence of city officials during the performance of excavation work shall not relieve the permittee of his or her responsibilities hereunder.

(Prior code § 2.395)

12.16.210 Trenches in pipe laying.

The maximum length of open trench permissible at any time shall be no more than two hundred (200) feet and no greater length shall be open for pavement removal, excavation, construction, backfilling, patching and all other operations without the written permission of the city manager.

(Prior code § 2.400)

12.16.220 Prompt completion of work.

After an excavation is commenced the permittee shall prosecute with diligence and speed all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonable necessary.

(Prior code § 2.405)

12.16.230 Urgent work.

If, in his judgment, traffic conditions, the safety or convenience of the traveling public, or the public interest require that the excavation work be performed as emergency work, the city manager shall order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

(Prior code § 2.410)

12.16.240 Emergency action.

Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in a conduit or pipe, or for making repairs; provided, that the person making such excavation shall apply to the city manager for such permit on the first working day after such work is commenced.

(Prior code § 2.415)

12.16.250 Noise, dust and debris.

Each permittee shall conduct excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavating work, noise, dust and unsightly debris, and between the hours of ten p.m. and seven a.m. shall not use, except with the express written permission of the city manager or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise that violates Ordinance Series of 1983, No. 1 of Estacada.

(Prior code § 2.420)

12.16.260 Preservation of monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the city, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the city manager to do so. Permission to remove or disturb such monument reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the city.

(Prior code § 2.425)

12.16.270 Inspections.

The city manager shall have such inspections made as are reasonably necessary in the enforcement of this chapter. The permittee shall notify the city, prior to backfilling an excavation, so that proper inspections may be made.

(Prior code § 2.430)

12.16.280 Maintenance of drawings.

Every person owning, using, controlling or having an interest in substructures under the surface of any public place used for the purpose of supplying or conveying gas, electricity, communication impulse, water, steam, ammonia or oil in the city shall file with the city manager within one hundred twenty (120) days after adoption of the ordinance codified in this chapter a map or set of maps, each drawn to a scale of not less than one inch to two hundred (200) feet owing in detail the location, size, description and date of installation, if known, of all substructures beneath the surface of the public place belonging to, used by or under the control of such person having any interest, and shall file with the city manager within fifteen (15) days after the first day of January of each and every year a corrected map or set of maps, each drawn to scale, including all installations made during the previous year to and including the last day of such year; provided, however, that a public utility owner may at its option provide corrected atlas sheets at more frequent intervals.

(Prior code § 2.435)

12.16.290 Liability of city.

This chapter shall not be construed as imposing upon the city or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or by the approval of any excavation work.

(Prior code § 2.440)

12.16.300 Violations—Penalties.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500.00). Each day a violation exists is a separate offense and shall be punished as such. As an alternative remedy a violation of this chapter shall constitute a nuisance and the city may use other remedies that are legally available for enforcing this

chapter including, but not limited to, injunction, mandamus, abatement, and other appropriate proceedings to prevent enjoin temporarily or permanently abate or remove the excavation.

(Prior code § 2.445)

Chapter 12.20 STREET NAMES AND HOUSE NUMBERS

Sections:

[12.20.010 Districts.](#)

[12.20.020 Street prefixes.](#)

[12.20.030 House numbering system.](#)

12.20.010 Districts.

The city is divided into districts for the purpose of street naming and house numbering, as follows:

The line dividing the city into north and south halves shall be as follows:

Beginning at the intersection of Broadway and First Avenue, and the easterly extension thereof east along First Avenue and the easterly extension thereof to the city boundary; also beginning at the aforesaid beginning point west along First Avenue aforesaid to the intersection of First Avenue and Wade Street, thence south along Wade Street to its intersection with Terrace Way, thence westerly along Terrace Way to the City boundary.

The line dividing the city into east and west halves shall be as follows:

Beginning at the intersection of Broadway and First Avenue, hence south along Broadway and the southerly extension thereof, to the point where Beach Road meets the railroad right-of-way through the city, thence southwesterly along Beach Road and the southwesterly extension to the city boundary.

(Prior code § 10.400)

12.20.020 Street prefixes.

Streets within the city shall all have prefixes, as set forth hereinafter, which prefixes are part of the street names, and the names as changed are declared to include the prefixes as follows:

Broadway Street to north of First Avenue shall carry the prefix "North" and Broadway Street to the south of First Avenue shall carry the prefix "South," and Beach Road shall be known as "South Beach Road." First Avenue to the east of Broadway Street shall be known as "East First Avenue" and to the west of Broadway Street shall be known as "West First Avenue." Where Terrace Way is on the line before described, it shall be known as "West Terrace Way."

All streets lying to the south of the line above described, commencing at the intersection of First Avenue and Broadway, and running westerly along First Avenue, Wade Street, and Terrace Way to the city limits and lying to the west of Broadway shall have as part of their names the prefix "Southwest." All streets lying to the west of Broadway and to the north of the immediately above mentioned east-west line shall carry as part of their names the prefix "Northwest." All streets lying east of Broadway and north of East First Avenue and the easterly extension thereof shall carry as part of their names the prefix

"Northeast." All streets lying to the south of the immediately above mentioned east-west line and to the east of Broadway and South Beach Road shall carry as part of their names the prefix "Southeast."

(Prior code § 10.425)

12.20.030 House numbering system.

- A. A house numbering system is established in which numbers shall commence at the intersection of First Avenue and Broadway and radiate therefrom in ascending numerical order, as nearly as possible an increase of 100 in the number in each block. Odd numbers shall be on the north and west of the streets, and even numbers on the south and east sides of the streets.
- B. All residential, commercial and industrial structures shall bear upon the front thereof, or upon a post or standard at or near the street, house numbers assigned by the city which are clearly legible from the street. No new residential, commercial or industrial structure may be issued an occupancy permit without complying with this section. Upon issuance of a building permit for the new construction of a structure there shall be posted upon the premises, or upon a post or standard near the street, temporary house numbers clearly legible from the street.

(Prior code § 10.450)

Chapter 12.24 LARGE PUBLIC ASSEMBLIES

Sections:

[12.24.010 Definitions.](#)

[12.24.020 Designated area.](#)

[12.24.030 Permit required.](#)

[12.24.040 Permit fees.](#)

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[12.24.060 Issuance of permit.](#)

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[12.24.120 Medical facilities.](#)

[12.24.130 Traffic and crowd control.](#)

[12.24.140 Parking.](#)

[12.24.150 Revocation of park permit.](#)

[12.24.160 Waiver.](#)

12.24.010 Definitions.

As used in this chapter and Sections 12.18.010 and 12.28.020:

"Assembly" means any company of persons gathered within a city park for common deliberation, worship or entertainment.

"Resident of the area" means any person who resides within School District No. 108, Clackamas County, Oregon (Estacada School District).

(Prior code § 1.600)

12.24.020 Designated area.

All permits and reservations must be for approved areas only, and must include a description of any park areas and/or facilities to be utilized by the persons obtaining a permit or reservation. No one in possession of a permit or reservation shall in any way interfere with the normal operation, use or maintenance of another designated area. No permit or reservation shall be issued for, and no one other than authorized personnel may enter upon the following areas:

- A. The city water treatment plant;
- B. Any power transmission equipment or towers within the park;
- C. The caretaker's residence and surrounding yard areas.

(Prior code § 1.602)

12.24.030 Permit required.

- A. No person shall allow, promote, conduct, participate in, or cause to be advertised an organized event in a city park if such person believes or has reason to believe that five hundred (500) or more persons will attend, unless a park permit has been issued by the city for the use of the park for the event. As used in this chapter, "organized event" is any use which is open and advertised to the public, or for which the park is not normally designated.
- B. Any person claiming to have a permit from the city shall produce and exhibit such permit upon request of any authorized person.
- C. All permits issued by the city manager shall be subject to the city ordinances. The persons to whom such permits are issued shall be bound by such rules, regulations, conditions and ordinances as fully as though the same were inserted in such permits. Any person or persons to whom such permits shall be issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall be issued, as well as for any breach of such rules, regulations and ordinances, to the person or persons so suffering damages or injury.
- D. Any permit issued under this chapter shall be personal to the permittee, and shall be void if transferred or assigned in any manner, except with the written consent of the city manager.

(Prior code § 1.603)

12.24.040 Permit fees.

- A. The fees for park permits shall be set by council resolution.

- B. A cleaning and damage deposit shall be collected prior to the issuance of a park permit. The amount of the deposit shall be set by council resolution and refundable in the event that the grounds are left clean and undamaged.

(Prior code § 1.604)

12.24.050 Permit application.

Written application for a park permit, on a form provided by the city, shall be filed with the city manager not less than thirty (30) days prior to the first day on which an assembly is to be held. The application shall not be deemed filed unless it is accompanied by the required deposit and all other required documents.

(Prior code § 1.605)

12.24.060 Issuance of permit.

- A. The city manager shall issue a park permit to an applicant upon a finding that the application is in proper form and upon an additional finding that the permittee has made adequate arrangements to comply with all of the conditions of the permit and with all of the provisions of this chapter and Chapter 12.28.
- B. In reviewing an application under this section, the city manager shall consider the following conditions and standards:
 - 1. The size of the park or park area and any specialized purpose for which it is normally used, or for which specialized facilities have been provided;
 - 2. The location of the park and the character of the area surrounding it;
 - 3. The anticipated size of the proposed use and event;
 - 4. The noise expected and its impact upon adjacent property;
 - 5. Policing problems that may arise from the intended use;
 - 6. The effect of the intended use upon the adjacent area and its occupants;
 - 7. Whether there is a demand for permits in the park that exceeds the capacity of the park, and, if so, whether the applicant has been granted any other permit for that park for any date or period in the same calendar year.
- C. Under the conditions set forth in subsection B of this section, if the city manager finds that the requested use would create a substantial burden in maintaining and policing the park facility or maintaining normal quiet in the area adjacent to or near the park he or she may deny the application or he or she may impose restrictions upon the permit or issue a permit for a different date, time or park area so as to alleviate such burden.

(Ord. 2000-6 § 1; prior code § 1.606)

12.24.070 Liability insurance.

Each application for a park permit for a policy or an assembly of five hundred (500) or more persons shall be accompanied by a policy (or a certificate evidencing the existence of a policy) of liability insurance issued by a company authorized to do business in Oregon, insuring the applicant, the city and Portland General Electric Company. The amount of insurance, based upon the city manager's estimate of attendance pursuant to Section 12.24.040 shall be as follows:

- A. One million dollars (\$1,000,000.00) bodily injury per person;
- B. One million dollars (\$1,000,000.00) per occurrence;
- C. One million dollars (\$1,000,000.00) property damage; plus
- D. One million dollars (\$1,000,000.00) liquor liability if liquor is served.

(Prior code § 1.609)

12.24.080 Maximum attendance.

No park permit shall be issued for any assembly of more than twenty-five thousand (25,000) persons. If the city manager believes on the basis of the application presented and the experience of the city that more than twenty-five thousand (25,000) persons might be expected to attend, or attempt to attend an assembly, no permit shall be issued.

(Prior code § 1.610)

12.24.090 Hours of operation.

No park permit shall be issued for any assembly between the hours of one a.m. and one-half hour before sunrise.

(Prior code § 1.611)

12.24.100 Sanitary facilities.

Each park permit application shall be accompanied by a written sanitary facilities plan showing the type, number and location of all toilets, washing facilities, water supplies, food preparation and serving locations and solid waste collection locations. The plan shall include executed agreements for all facilities which the applicant expects to rent or contract for. The plan shall include satisfactory evidence that facilities not rented or contracted for can be produced by the applicant. If the application includes plans for serving food or beverages, the application shall be accompanied by copies of all required permits and licenses required by the state of Oregon. No permit shall be issued if the plan does not provide for a minimum of one toilet for each two hundred fifty (250) persons estimated by the city manager to be in attendance.

(Prior code § 1.612)

12.24.110 Fire protection.

Each park permit application shall be accompanied by a written fire protection plan approved by the chief of the Estacada Rural Fire Protection District, or his or her designee. The plan must contain the number of persons expected to attend, which number shall not exceed that estimated by the city manager pursuant to Section 12.24.040. The plan shall show the type and location of all fire protection facilities to be provided.

(Prior code § 1.613)

12.24.120 Medical facilities.

Each park permit application shall be accompanied by a written medical facilities plan showing the type and location of all medical facilities planned for the assembly and the number and qualifications of medical personnel to be provided. No plan to assemble shall be approved unless provision for at least one aid station, staffed at all times by a person of the age of eighteen (18) years or older, certified as a medic first aid administrator. The staffed first aid station is only a minimum requirement. The permittee is solely responsible for establishing medical requirements and facilities appropriate for the event and activities associated with their assembly.

(Prior code § 1.614)

12.24.130 Traffic and crowd control.

Each application for a park permit shall be accompanied by a written plan for traffic and crowd control. The plan shall specify the number of persons which the applicant will provide for traffic control and crowd control. The plan shall provide for a minimum of one traffic and crowd control person to be on duty at all times during the assembly for each three hundred (300) persons reasonably expected to attend as estimated by the city manager. The plan shall contain the names, ages, addresses and qualifications of all persons who shall be provided for traffic or crowd control. No person who has been convicted of a felony or a misdemeanor involving moral turpitude, or who is under the age of eighteen (18) years, shall be permitted to act as a crowd or traffic control person. If traffic or crowd control is to be provided by a security agency, an executed contract for the service shall accompany the plan. The plan shall contain a statement that all traffic and crowd control persons will wear a distinctive uniform which the plan shall describe. The plan shall provide for the permittee to provide no parking signs enforced with barricades or cones and tape along Highway 224 between River Mill Road and SW 2nd Avenue for any event that charges for parking or has over two thousand (2,000) people in attendance with free parking. The plan must also provide for adequate floodlights at the two park exits onto Highway 224 for events with two thousand (2,000) people or more in attendance.

(Prior code § 1.615)

12.24.140 Parking.

Each application for a park permit shall be accompanied by a written plan for parking automobiles. The plan shall designate the number of automobiles expected and the area where they are to be parked. If private property is to be utilized for parking, the plan shall be accompanied by executed documents authorizing its use. The plan shall provide for at least one parking attendant to be on duty at all times during the assembly for each five hundred (500) persons reasonably expected to attend, as estimated by the city manager. If a civic organization such as a Boy Scout troop is to provide parking attendants, the plan shall be accompanied by an executed agreement for such service. Each parking attendant shall wear a distinctive uniform or identifying marking which shall be described in the parking plan.

(Prior code § 1.616)

12.24.150 Revocation of park permit.

A park permit shall be subject to revocation by the city manager upon such notice as is reasonably practical under the circumstances upon the occurrence of any violation of the permit by the permittee. In the event the permit is revoked, the A manager shall take such action as to him or her appears reasonably necessary under the circumstances to protect the health, safety and welfare of the city and its citizens. Such action may include, but is not limited to, any public advertisement deemed necessary by

the city manager to notify the public that an assembly has been canceled. Any costs incurred by the city to protect the health, safety and welfare of the city and its citizens as a result of the revocation of a park permit shall be paid by the permittee and may be charged against the indemnity bond posted by the permittee. No portion of the permit deposit shall be refunded if the permit is revoked pursuant to this section.

(Prior code § 1.617)

12.24.160 Waiver.

The city council may, by resolution at any regular or special meeting, waive any provision contained in this chapter and Sections 12.28.010 and 12.28.020 for any assembly if the council finds the application of such provision would cause unnecessary hardship, and the waiver will not unreasonably endanger the health, safety or welfare of the city and its citizens.

(Prior code § 1.620)

Chapter 12.28 PARK USE REGULATION

Sections:

[12.28.020 Park regulations.](#)

[12.28.035 Reserved.](#)

[12.28.040 Alcoholic beverage.](#)

[12.28.050 Reserved.](#)

[12.28.060 Camping.](#)

[12.28.070 Speed limits in public parks.](#)

[12.28.080 Violation.](#)

12.28.020 Park regulations.

The following regulations shall apply to any person using a city park, including but not limited to any person or persons granted a park use permit or reservation unless specific modifications are made a part of the permit or reservation agreement:

- A. No person shall build or maintain a fire except in a campstove or a fireplace provided, maintained or designated for that purpose; except that gasoline, alcohol or oil campstoves may be used in established campsites or picnic areas where other stoves are provided.
- B. No fire shall be left unattended. All fires shall be extinguished by the users before leaving the park.
- C. No person shall erect any sign, marker or inscription of any type.
- D. No person shall sell any goods or services.
- E. No vehicle shall be driven or parked except in areas designated for driving or parking. The term "vehicle" shall include motorized and nonmotorized vehicles but shall exclude wheelchairs and bicycles.

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- F. No vehicle may be operated in a manner that would recklessly endanger any person, animal or property within the boundaries of the park.
- G. No person may conduct themselves in such a manner so as to recklessly endanger any person, animal or property within the boundaries of the park.
- H. No person will be allowed in the park if they are visibly intoxicated.
- I. No equipment, material or apparatus used in conjunction with the production of any show, festival, or activity of any kind, may be brought into the park more than two days prior to that activity, without express permission of the city and payment of a fee therefore as set by resolution of the city council. No equipment, material or apparatus used in conjunction with the production of any show, festival or activity of any kind, may remain in the park more than two days following the conclusion of that activity, without express permission of the city and payment of a fee therefore as set by resolution of the city council. All equipment, material or apparatus used in conjunction with the production of any show, festival or activity of any kind within the park in violation of this section shall, without further notice to any owner or applicant, be forfeited and will become the property of the city, which shall keep or dispose of the property in its sole discretion.
- J. All maintenance and construction projects of any type must be approved and scheduled with the city no less than thirty (30) calendar days prior to the commencement of such activities.
- K. All equipment, including but not limited to, tools, machinery, and electrical devices operated within the park boundaries or related to any use or enjoyment of the park, must conform to all city, county and state regulations governing the operation and maintenance of said equipment.
- L. No person shall operate or use any noise producing machine, vehicle, instrument or device in such a manner that is not in accordance with the noise levels provided by this code.
- M. Any approved park event involving amplified sound equipments shall not exceed the following park noise regulation standards:
 - 1. The noise level of any park event shall not exceed eighty (80) DBA at any time, nor exceed, on average, seventy-five (75) DBA as measured by the "A" weighted scale, fast response, programmed for thirty (30) second average readings. Any performance or activity in which noise levels exceed the seventy-five (75) DBA average six times within any sixty (60) minute period shall subject the permit holder to a one thousand dollar (\$1,000.00) fine each occurrence.
 - 2. Noise level monitoring shall be performed by a qualified third party which may be retained by, but is not an employee of the applicant or of any promoter or performer responsible for meeting these regulations. Measurements required by this section shall be measured from the nearest residence to the park on Lake Shore Drive and Rivermill Road. At all times a report of field sound measurements must be maintained and provided upon request to the city which documents the location, time, recording level, and recording conditions of all measurements, and shall include the time and source of any complaints concerning noise levels. The person or persons required to monitor noise levels shall, at a minimum, record such compliance from and be in radio contact with, the sound board or the location which otherwise controls the noise within the park grounds. Compliance with park noise regulations, including the cost of monitoring and compliance, and notification to artists or performers subject to these noise regulations, shall be the sole responsibility of the applicant.
 - 3. The standards set forth in this subsection may not be exceeded, but noise levels may be further reduced if the city or its designated representative determines that such reduction is reasonably necessary in response to audience complaints, complaints by adjacent neighbors, or by the failure of the park applicant or its representatives to comply with noise regulation standards.

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- N. Use of Tobacco Products. It is prohibited for any person to use a tobacco product within any city park, except the portal/rest area. "Tobacco product" includes any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco that may be utilized for smoking, chewing, inhalation, or other means of ingestion.

(Ord. 2000-17 §§ 1, 2; editorially amended during 2000 codification; Ord. 2000-6 § 2; prior code § 1.619)

(Ord. No. 2013-006, § 2, 1-13-2014)

12.28.035 Reserved.

Editor's note— Ord. No. 2013-006, § 1, adopted Jan. 13, 2014, repealed § 12.28.035, which pertained to use of city buildings and derived from Ord. 2002-2 § 2.

12.28.040 Alcoholic beverage.

Concessions for the sale or dispensing of alcoholic beverages in a city park must be fully enclosed, fenced or otherwise secured in such a manner to insure that only people of legal drinking age have access to the beverage. All sales, service and consumption of alcoholic beverages must be conducted only within the designated drinking area. If a person is refused service for any reason in the beverage area, they will be banned from that area for the rest of the event. Security in this area must comply with current OLCC regulations and requirements and at all times must have at least one security officer for every fifty (50) people in the area. If in the opinion of the city manager that the dispensing of alcoholic beverages has contributed to the disorderly conduct of any person or persons, the city manager may, by verbal notice, have the alcoholic sales stopped immediately and only with the city manager's permission may any such operations begin again.

(Prior code § 1.628)

12.28.050 Reserved.

Editor's note— Ord. No. 2013-006, § 1, adopted Jan. 13, 2014, repealed § 12.28.050, which pertained to reservations and derived from Prior code § 1.629.

12.28.060 Camping.

- A. "Camping" means living and/or sleeping in a place other than a dwelling, mobilehome or motel/hotel; including sleeping outside or in tents, cars, campers or recreational vehicles; except where the vehicle is equipped for storage and sanitary disposal of sewage and waste in a manner posing no risk to public health.
- B. Camping on Public Property. Camping is prohibited on public property within the city except where specifically designated by the city council.
- C. Camping on Private Property. Camping on private property within the city is prohibited for a period greater than thirty (30) days. Toilet facilities connected to the city sewer must be on the premises and available to the campers.
- D. Penalty. Violation of this section shall be an infraction subject to a maximum fine of five hundred dollars (\$500.00). Each day of camping shall be a separate violation.

(Prior code §§ 5.510—5.540)

12.28.070 Speed limits in public parks.

No person may drive a vehicle in any public park of this city at a speed exceeding fifteen (15) miles per hour unless signs erected indicate otherwise.

(Prior code § 6.130)

12.28.080 Violation.

Violation of this chapter shall be an infraction subject to a maximum fine of five hundred dollars (\$500.00).

(Ord. No. 2013-006, § 3, 1-13-2014)

Chapter 12.32 PARADES AND PROCESSIONS

Sections:

[12.32.010 Definitions.](#)

[12.32.020 Permit required.](#)

[12.32.030 Exceptions.](#)

[12.32.040 Permit application.](#)

[12.32.050 Findings required.](#)

[12.32.060 Conditions for permit.](#)

[12.32.070 Prior application.](#)

[12.32.080 Notice of issuance of denial.](#)

[12.32.090 Appeal procedure.](#)

[12.32.100 Contents of permit.](#)

[12.32.110 Duty of permittee.](#)

[12.32.120 Revocation of permit.](#)

[12.32.130 Public conduct during a meeting, assembly or parade.](#)

12.32.010 Definitions.

As used in this chapter:

"Activity" means a parade or public meeting or assembly;

"Funeral procession" means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director;

"Parade" means a march or procession of any kind;

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"Public meeting or assembly" means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public grounds.

(Ord. 2000-7 § 1: prior code § 6.110)

12.32.020 Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade of public meeting or assembly, as defined in this chapter, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly or parade has been obtained in compliance with the provisions of this chapter, except as provided in this chapter.

(Ord. 2000-7 § 2: prior code § 6.111)

12.32.030 Exceptions.

This chapter shall not apply to any of the following:

- A. Funeral processions;
- B. A governmental agency acting within the scope of its functions;
- C. Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such activity.

(Ord. 2000-7 § 3: prior code § 6.112)

12.32.040 Permit application.

Application for permits under this of chapter must be filed with the city manager not less than five days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the city manager to determine that the activity will meet the requirements set forth in Section 12.32.050.

This application shall be in writing and shall give the following information:

- A. The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the headquarters of the organization and the authorized head of such organization shall be stated;
- B. The name, address and telephone number of the person who will be directly in charge of and responsible for the activity;
- C. The purpose of the activity;
- D. The date, time and location or route of the proposed activity;
- E. The approximate number of persons who will participate in the activity and the number and kind of vehicles, equipment and animals which will be used;
- F. Plans for the assembly and dispersal of the parade, including times and locations thereof;
- G. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;

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- H. A statement as to whether a permit has been requested or obtained from any other city within which activity shall commence, terminate or occur in part;
- I. Any additional information that the city manager shall find reasonably necessary to a determination of the findings required by Section 12.32.050.

(Ord. 2000-7 § 4: prior code § 6.113)

12.32.050 Findings required.

The city manager or his or her designated representative shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained he or she finds that:

- A. The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic;
- B. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area;
- C. The conduct of such activity will not unduly interfere with the movement of fire fighting equipment enroute to a fire, or the movement of other emergency equipment;
- D. The conduct of such activity is not reasonably likely to cause injury to persons or property;
- E. Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.

(Ord. 2000-7 § 5: prior code § 6.114)

12.32.060 Conditions for permit.

The city manager shall have authority to impose such additional conditions as are necessary to insure that all of the findings set forth in Section 12.32.050 shall be complied with during the duration of the activity.

(Ord. 2000-7 § 6: prior code § 6.115)

12.32.070 Prior application.

If a prior permit application shall have been made for an activity proposed to be held at the same time or place, the city manager may refuse approval of the later application. In case of such refusal, he or she shall notify the applicant that he or she may apply for an alternative time and place.

(Ord. 2000-7 § 7: prior code § 6.116)

12.32.080 Notice of issuance of denial.

The city manager shall act upon the permit application within three days of the filing thereof. If he or she disapproves of the application, he or she shall mail to the applicant within that three-day period notice of the denial and the reason for it.

(Ord. 2000-7 § 8: prior code § 6.117)

12.32.090 Appeal procedure.

The applicant shall have the right to appeal the denial of a permit to the city council. A notice of appeal shall be filed with the city recorder within two days after receipt of notice of the denial. The city council shall act upon the appeal at its next meeting following receipt of the notice of appeal.

(Ord. 2000-7 § 9: prior code § 6.118)

12.32.100 Contents of permit.

Conditions to the issuance of any permit shall be set forth in the permit.

(Ord. 2000-7 § 10: prior code § 6.119)

12.32.110 Duty of permittee.

- A. A permittee hereunder shall comply with all terms and conditions of the permit and with all applicable laws and ordinances.
- B. The written permit obtained pursuant to this chapter shall be carried by the person heading or leading the activity for which the permit was issued.

(Ord. 2000-7 § 11: prior code § 6.120)

12.32.120 Revocation of permit.

The city manager may revoke any permit issued under this chapter upon the failure of the permittee to comply with the terms and conditions of the permit or of the activity, because of the manner in which it is being conducted, or for any other reason, is jeopardizing those element of the public safety or welfare set forth in Section 12.32.050.

(Ord. 2000-7 § 12: prior code § 6.121)

12.32.130 Public conduct during a meeting, assembly or parade.

- A. It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such a parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this chapter.
- B. The city manager shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route or of a parade. The city manager shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(Ord. 2000-7 § 13: prior code § 6.125)