

House Bill 3195

Sponsored by Representative GREENLICK (at the request of Virginia Bruce)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that owner of abutting real property may not be required to maintain or repair sidewalks or curbs, and no lien for assessment for repairs may attach to abutting real property, if abutting real property does not have direct access to sidewalks or curbs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to repairs required to be made by property owners; creating new provisions; amending ORS
3 368.910; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 368.910 is amended to read:

6 368.910. (1)(a) Whenever in an unincorporated area, sidewalks or curbs are constructed along
7 county roads or are existing along roads taken over by the county, the owner of the abutting real
8 property shall maintain and repair the sidewalks or curbs. If any such sidewalk or curb is out of
9 repair, the county governing body shall send a notice by mail to the owner of the abutting property
10 to repair the sidewalk or curb, setting forth the nature and extent of repairs and the time, not less
11 than 30 days, within which they must be made.

12 **(b) Notwithstanding paragraph (a) of this subsection, if the abutting real property does**
13 **not have direct access to the sidewalks or curbs:**

14 **(A) The owner of the abutting real property may not be required to maintain or repair**
15 **the sidewalks or curbs;**

16 **(B) A lien for an assessment under ORS 368.915 may not attach to the abutting real**
17 **property; and**

18 **(C) The owner of the abutting real property may not otherwise be assessed for the cost**
19 **of maintenance and repairs of the sidewalks or curbs, whether by a direct demand for pay-**
20 **ment or by the withholding of any right or benefit to which the owner of the abutting real**
21 **property or the abutting real property is entitled.**

22 (2) If the owner does not make the repairs within the time allowed, the county governing body
23 may order the repairs to be made. The county governing body shall file the order for the repairs
24 with the county clerk, the order describing the abutting property. The recorded order is notice that
25 the described property is subject to a lien for the cost of the repairs, in an amount to be determined
26 later by an order of the county governing body. The county clerk shall [*indorse*] **endorse** upon the
27 order the date of the filing and record and index the order in special books to be kept by the county
28 clerk for such purpose.

29 **SECTION 2. The amendments to ORS 368.910 by section 1 of this 2015 Act apply to the**
30 **maintenance and repair of sidewalks and curbs with respect to which a notice has not been**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 sent pursuant to ORS 368.910 (1), or an order for the repairs has not been filed pursuant to
2 ORS 368.910 (2), before the effective date of this 2015 Act.

3 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
5 on its passage.
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