

1 BILL NO. _____

A BILL

ORDINANCE NO.

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2019- 807

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FOR

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AN ORDINANCE

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RELATING TO STREET OBSTRUCTIONS AND

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DEBRIS ON PUBLIC RIGHT-OF-WAY; REPEALING

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ORDINANCE NO. 2008-578

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11 The City of Keizer ordains as follows:

12 Section 1. OBSTRUCTIONS.

13 a) It shall be unlawful for any person in connection with construction,
14 landscaping or remodeling projects to place, park, leave, deposit or
15 maintain any structure, barricade, object or other obstruction (other than
16 lawfully parked vehicles) on any public street, city right-of-way, easement
17 or sidewalk without first notifying the Director of Public Works or his/her
18 designee and obtaining his/her written permission.

19 b) It shall be unlawful for any person to deposit or cause to be deposited bark
20 dust, mud, dirt, sand, gravel, or debris of any kind on any public street,
21 easement, right-of-way or sidewalks except during active building
22 construction or excavation operations and if the deposit is approved in
23 writing in advance by the Public Works Director or his/her designee,

1 requiring the person in charge to post lighted barricades, flagmen, or other
2 safety precautions to warn motorists of the hazard.

3 c) Persons wishing to receive Public Works permission as referenced in
4 Subsection 1(a) or 1(b) above shall submit a written plan indicating the
5 type of project, the materials or objects to be left in the right-of-way and
6 other relevant facts such as hours of use, etc. Upon review of such plan,
7 the Director of Public Works or his/her designee may impose such
8 reasonable conditions as hours of use, duration of use, barricading,
9 lighting or other markings which he deems necessary to protect the safety
10 of persons and property in the vicinity, and to provide for the expeditious
11 movement of vehicular and pedestrian traffic around the obstruction.

12 d) Except as specifically allowed in this Ordinance or as allowed by other
13 specific state or local law or regulation, it shall be unlawful to place, leave
14 or maintain any obstruction (other than lawfully parked vehicles) in any
15 public street, city right-of-way, easement or sidewalk.

16 e) Basketball Hoop Equipment or Standards (“Standards”) shall be only
17 allowed on Local Streets, subject to the following requirements:
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- 1 1. Standards shall be removed when not in active use.
- 2 2. Standards shall not impede any travel lane.
- 3 3. Reflectors or reflective tape shall be placed on both sides of the
- 4 Standards so as to be visible to motorists at night.
- 5 4. Standards may only be placed in right-of-way where vehicles
- 6 can lawfully park.
- 7 5. Standards shall not be placed in any portion of a sidewalk or
- 8 walkway.

9 Section 2. EROSION CONTROL REQUIREMENTS.

10 a). It shall be unlawful to violate any required erosion control measures
11 imposed under federal, state or local law or regulations, including, but not
12 limited to any measures imposed as conditions of any land use or other
13 governmental approvals. This includes, but is not limited to, subdivisions,
14 zone change approvals, partition approvals, building permits, and any
15 requirements set forth in National Pollutant Discharge Elimination System
16 Phase II permits or other permits held by the City.

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1 Section 3. PENALTIES/REMEDIES.

2 a) A violation of this Ordinance is an infraction under the Civil Infraction
3 Ordinance. (Ordinance No. 86-063).

4 b) In addition to the penalties provided in Ordinance No. 86-063, the Court may
5 impose penalties against the responsible person for the cost incurred by the
6 City to remove any obstruction or debris.

7 c) A violation of this Ordinance is declared to be a public nuisance and may be
8 abated pursuant to the Uniform Nuisance Abatement Procedure Ordinance
9 (Ordinance No. 94-282).

10 Section 4. ORDINANCE NO. 2008-578 REPEALED. Ordinance No. 2008-578
11 (Relating to Street Obstructions and Debris on Public Right of Ways) adopted on July 7,
12 2008 is hereby repealed.

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1 Section 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or
2 portion of this Ordinance is for any reason held invalid or unconstitutional, or is denied
3 acknowledgment by any court or board of competent jurisdiction, including, but not
4 limited to the Land Use Board of Appeals, the Land Conservation and Development
5 Commission and the Department of Land Conservation and Development, then such
6 portion shall be deemed a separate, distinct, and independent provision and such holding
7 shall not affect the validity of the remaining portions hereof.

8 Section 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after
9 its passage.

10 PASSED this 3rd day of September, 2019.

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12 SIGNED this 3rd day of September, 2019.

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Cathy Clark
Mayor
Wendy Dale
City Recorder