

TITLE VII

PERMITS, STREETS, AND PUBLIC WAYS

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CHAPTER 76 GENERALLY

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76.005. Definitions. Unless the context otherwise specifically requires, for purposes of this Chapter the following words shall mean:

- (a) Alley: a public right-of-way not more than twenty feet in width, open, used, or intended to be used, by vehicular traffic.
- (b) Controlled intersection: an intersection where any intersecting street is controlled by a stop sign or signal traffic control device.
- (c) Driveway: any private thoroughfare or private or commercial service driveway intersecting with a street, and constructed, installed, or maintained for the purpose of ingress and egress of vehicles from the street to the abutting property.
- (d) Downstream corner: the corner located in the direction of traffic flow of the street.
- (e) Interested person: the owner of the property whereon a vision clearance area is located, person officially representing the neighborhood association for the area within which the property is located, and any person affected by a decision regarding the vision clearance area.
- (f) Owner: the owner of property upon which a vision clearance area is located.
- (g) Public Works Director: the Director of the Department of Public Works or the Director's designee.
- (h) Street: any public right-of-way, highway, thoroughfare, parkway, throughway, road, avenue, or other place that is open, used, or intended to be used, by vehicular traffic, but excluding alleys and driveways.
- (i) Uncontrolled intersection: an intersection where no intersecting street is controlled by a stop sign or traffic signal control device.
- (j) Vision clearance area: the publicly and privately owned area adjacent to an intersection within the legs of the triangle as determined according to the regulations provided by this chapter which must be sufficiently free of obstructions to provide safe visibility for vehicular, bicycle, and pedestrian traffic. The legs of the triangle shall be measured along the property line. (Ord No. 57-2000; Ord No. 60-2002; Ord No. 57-05; Ord No. 44-09)

76.010. Obstructions.

- (a) Except as provided in subsection (c), it shall be unlawful for any person to place, park, leave, deposit, or maintain any structure, barricade or other obstruction such as building material or merchandise, other than lawfully parking vehicles, on any arterial or collector street, or in the

travel lanes of local streets, or on sidewalks, without first notifying the director of public works and obtaining written permission.

(b) The director may impose such reasonable conditions as hours of use, duration of use, barricading, provision of temporary sidewalks and bike lanes, lighting, or other marking which is deemed necessary to protect the safety of persons and property in the vicinity, and to provide for the expeditious movement of vehicular and pedestrian traffic around the obstruction.

(c) No permission shall be required to place building material in the parking lanes of local streets provided appropriate barricading and lighting are placed to protect the safety of persons and property in the vicinity. Materials shall be placed consistent with the provisions of SRC Chapter 75.090 and the street cleaned after removal. In no event shall the material extend more than eight feet from the curbline. The director may grant extensions of time upon request. (Ord No. 3390; Ord No. 67-79; Ord No. 91-99; Ord No. 72-2002)

76.015. Removal of Debris.

(a) It shall be unlawful for any person to deposit or cause to be deposited mud, dirt, sand, gravel, leaves, or other debris on any street, including bicycle lanes, and sidewalks, when such debris constitutes a traffic or pedestrian hazard as determined by any police officer, building inspector or the director of public works.

(b) In lieu of removal of the debris as required by subsection (a) of this section, when such deposit is unavoidable during active operations and as approved by the director of public works, the person in charge may allow such debris to remain and post lighted barricades or flagmen to warn motorists of the hazard.

(c) It shall be unlawful for any person in charge of any building construction, landfill, or excavation operation to permit mud, dirt, sand, gravel, leaves, or other debris deposited on any street as a consequence of such operation to remain on such street, including bicycle lanes and sidewalks, after the close of the construction day, when such debris constitutes a public nuisance in the opinion of the director of public works or the building official. (Ord No. 67-79; Ord No. 72-2002)

76.020. Certain Activities on Streets and Sidewalks Prohibited; Exceptions.

(a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to have or maintain on any public street or sidewalk a stand of any kind, a mobile device or other such vehicle used for the sale of merchandise of any character or for the conduct of any private business or calling of any character.

(b) Peddlers or street vendors may use mobile devices or pushcarts on the public streets and sidewalks if the person has obtained and maintains all required licenses and permits, or including, but not limited to, a street encroachment permit. (Ord No. 3390; Ord No. 2-78; Ord No. 52-84; Ord No. 40-2003; Ord No. 4-12)

76.040. Barbed Wire Prohibited along Streets and Alleys. Except as provided in SRC 800.050(d), it shall be unlawful for any person to erect or maintain within one foot of any street, sidewalk, or alley line or in or across any street, sidewalk, landscape strip, or alley any barbed wire or barbed wire fencing, either independent of or in connection with any fencing material. (Ord No. 3390; Ord No. 124-86; Ord No. 72-2002; Ord No. 31-13)

76.050. Removal of Lights and Barricades. It shall be unlawful for any person to remove, break, take down, carry away, destroy or render ineffective in any manner whatsoever any light, fence, barricade, or other device intended as a warning against danger in any street alley, or sidewalk during the time such street sidewalk or alley shall be out of repair or dangerous to travel or in the process of improvement. (Ord No. 3390; Ord No. 72-2002)

76.060. Removal of Boundary Stakes. It shall be unlawful for any person to remove, destroy, deface, mutilate, or change any survey grade, sidewalk or boundary stake or marker. (Ord No. 3390)

76.070. Deposit of Glass on Streets, Alleys, or Sidewalks. It shall be unlawful for any person to deposit or leave any broken glass on any street alley or sidewalk of the city. (Ord No. 3597; Ord No. 72-2002)

76.080. Damaging or Removing Curbs and Sidewalks. It shall be unlawful for any person to remove or damage in any way any portion of any street curb or sidewalk without first obtaining written permission from the director of public works. (Ord No. 3401; Ord No. 72-2002)

76.090. Moving Heavy Equipment over Curbs and Sidewalks. Any person wishing to move any heavy thing such as a building, excavating machine or well-drilling equipment over or upon a street curb or sidewalk shall first obtain a written permit from the director of public works and shall be held responsible for any and all damage to same. (Ord No. 3401; Ord No. 72-2002)

76.110. Mains to Be Laid Before Street Improved. All mains used for conveying water or gas or for other purposes along streets which are permanently improved or are to be permanently improved shall, immediately before such improvement is made, be laid in such streets in a permanent manner. (Ord No. 3364)

76.115. Temporary Closure of Streets and Sidewalks.

(a) The Public Works Director may issue permits for the temporary closure of any street, sidewalk, or other public way to vehicular or pedestrian traffic to persons making street or sidewalk improvements or pursuing other construction in public right-of-way.

(b) In granting permits under subsections (a) of this section, the Public Works Director shall prescribe the time allowed for the closure and may require the placement and maintenance of signs and barricades and impose any other conditions deemed necessary for the safety and protection of the public. The permittee shall, at the person's sole cost and expense, cause to be placed and maintained during such temporary closure the barricades and signs required by the Public Works Director.

(c) A fee in an amount prescribed by resolution of City Council shall be charged for an application to temporarily close any street, sidewalk or other public way to vehicular or pedestrian traffic. (Ord No. 100-73; Ord No. 107-84; Ord No. 51-91; Ord No. 51-96; Ord No. 38-99; Ord No. 72-2002; Ord No. 57-05; Ord No. 44-09)

76.117. Appeal. Any person aggrieved by the administrative action taken under section 76.115 may appeal the action to the council. The council shall hear the appeal promptly and affirm, modify, or repeal the administrative action of the director of public works. (Ord No. 100-73)

76.120. Method of Laying Mains. All mains and service pipes for conveying water or gas for other purposes laid in the permanently improved streets or alleys of the city shall be laid not less than 18 inches below the established grade of the street or alley and shall be so laid as not to interfere with the grading or improvement of any such street or alley. (Ord No. 3364)

76.160. Encroachments into Public Right-of-Way.

(a) The director of public works is authorized to issue a permit to encroach into public right-of-way at the property owner's risk and subject to the following conditions:

(1) Proper plans and specifications for the proposed encroachment are submitted to the public works department.

(2) The encroachment complies with the applicable Codes of the city with regard to structural safety, traffic, sanitation, and fire safety requirements.

- (3) The request be evaluated by the director of public works in regard to any adverse effect on adjoining property.
- (4) There be no interference with the use of the public street for roadway, sidewalk, existing or proposed utilities, and other authorized uses.
- (5) The encroachment will be maintained in good order.
- (6) The permit shall be revocable and when requested to do so by the council or other public authority having jurisdiction, the owner will remove the encroachment at his expense.
- (7) The owner will hold the City of Salem and all its officers harmless on account of the encroachment.
- (8) The form of the permit shall be approved by the city attorney.
- (9) A fee for the permit shall be charged as prescribed by resolution of the council. (Ord No. 22-74; Ord No. 51-91; Ord No. 51-96; Ord No. 72-2002)

76.990. Violations. Violation of any of the provisions of SRC 76.010 to 76.100 is an infraction. (Ord No. 193-79)