Plantings in Sidewalk Areas Permit Application

Engineering Division
1095 Duane Street, Astoria, OR 97103
Email: engpermits@astoria.gov
Phone: 503-338-5173
Web: www.astoria.or.us

STAFF USE ONLY	
Permit Number:	
Application Date:	
Issued Date:	
Amount Received:	No Fee
Permit Expiration:	Until Terminated

Enclosed: Astoria City Code Section 2.350-2.353 Plantings In Sidewalk Areas

Site Location

_____

Applicant

I hereby make application to the City of Astoria for a permit to Plant in Sidewalk Area. I am an adjacent property owner to the aforementioned Site Location.

Full Name _____

Address _____

Phone _____

Email _____

Planting Drawing & Description

INSTRUCTIONS

Description and drawing of shrubbery, vegetation and/or trees to be planted must include all of the following:

1. All existing trees and shrubs within 30 feet of planting location; both in the right-of-way and on private property.
2. All driveways, alleys, sidewalks, streets and intersections within 20 feet of planting location.
3. Location of a) gas main and gas service to house, b) water main and water service to house, c) sewer, d) electric, telephone and cable lines with indication whether overhead or buried). To have utilities located free-of-charge, call Oregon Utility Notification Center at 811 or 800-332-2344.
4. North arrow and measurements.

Variety/ies _____

Size(s) _____

Notes _____

The City may revoke permit at any time, with or without cause, if it is determined to be in the best interest of the City to do so.

SPECIAL CONDITIONS OR REMARKS

_____

_____

_____

_____

_____

As the Applicant for this permit, I do hereby acceptance of the terms, covenants, and conditions of Astoria City Code Section 2.350-2.353 Plantings In Sidewalk Areas, and agree to abide by all of the terms, covenants, conditions, and obligations imposed on said permittee by this ordinance. My signature below indicates acceptance and approval of conditions.

_____ _____

Applicant Signature Date

_____ _____

Engineering Division Approval Date

PLANTINGS
Plantings In Sidewalk Areas

Plantings In Sidewalk Areas
2.350 Planting Of Trees In Sidewalk Areas
2.351 Report Of Defective Maintenance Of Plantings
2.352 Notice Of Defect To Abutting Owner
2.353 City Maintenance Of Defective Plantings; Abatement Procedures

2.350 Planting Of Trees In Sidewalk Areas

A. That no person, firm, or corporation shall plant, grow, or maintain any tree, shrub, or vegetable growth upon the sidewalks or sidewalk area (area between curb and property line) in the City of Astoria, or so close thereto that they overhang said sidewalks or sidewalk areas at a height of less than nine (9) feet, except as set forth in Section (2), without first obtaining a permit to do so from the Astoria City Engineer as hereinafter provided.

B. That potted trees placed on or in said sidewalks or sidewalk areas as authorized by Section (1) shall not overhang said sidewalks or sidewalk areas at an elevation of less than seven (7) feet and shall not extend beyond the curb line at an elevation of less than nine (9) feet. Plantings are subject to the Vision Clearance Area requirements of City Code Section 6.100.

C. That upon proper application filed by applicant setting forth all relevant facts relating to the request in question, the City Engineer may, in the exercise of his sound discretion, issue a permit or permits to persons, firms, or corporations to plant, grow, or maintain trees, shrubs, or vegetable growth in areas in which the same are prohibited by Section (1) hereof.

   The City Engineer shall give consideration to the following factors in granting such permits and shall not grant the same unless he finds that to do so would not be detrimental to the public interest:

   1. Width of sidewalks, or sidewalk area.
   2. Type of tree, shrub, or vegetable growth.
   3. Location of parking meters, light standards, crosswalks, buildings, entrance and exit ways, streets, underground utilities, utility poles, alleys, loading zones, and other physical conditions and legal restrictions then existing or reasonably contemplated.
   4. Traffic count.
   5. Purpose of applicant.
   6. Any other factors found by him to be relevant.
   7. Size and type of containers if containers are used. The City Engineer shall designate in the permit or in an exhibit attached thereto the areas in which plantings shall be allowed, the type of plantings allowed, and any other condition or restriction that he deems necessary or expedient to protect the public interest.

D. Each person, firm, or corporation planting, growing, or maintaining trees, shrubs, or vegetable matter under permit as herein provided shall comply with and be subject to the following general conditions and restrictions:

   1. The permittee shall abide by all of the terms, conditions, and restrictions contained in the permit.

2. The permit shall be non-transferable without prior written approval of the City Engineer.
3. The permit shall be revocable at any time with or without cause at the pleasure of the City Council and City Manager, and no expenditure of money, lapse of time, or any act or thing shall act as an estoppel against the City of Astoria or be held to give permittee or the owner of any property any vested right.
4. The installation and care of such plantings shall be at the sole cost and expense of the permittee without cost to the City, and the sidewalks and sidewalk areas in the vicinity of the plantings and the structure served thereby shall be maintained in a good state of repair and maintenance at the sole cost and expense of the permittee. Such trimming repair and maintenance shall be performed annually or more frequently, as may be determined by the City Engineer.
5. At the expiration or termination of the permit, the permittee shall forthwith remove any and all plantings and vegetable matter from the area at its own sole cost and expense and place the sidewalk in said area in a good condition of repair.
6. That the permittee shall indemnify and save the City of Astoria, its officers, agents, officials, and employees harmless from any claim or award for damages or injuries to property or persons, including costs and attorney's fees, allegedly arising in whole or in part out of the use, occupation, or disruption of sidewalks or sidewalk areas by said permittee or those acting on his behalf or with his approval or ratification, or allegedly arising in whole or in part out of the failure by the permittee to abide by the terms of this ordinance and said permit.
7. That the permittee shall remove, replace, or relocate individual plantings or vegetable growth as the public convenience or necessity warrants and at the request of the City Engineer.
8. The owner of said property fronting on street or alley where the sidewalk or parking may be used for such purposes described herein will assume all liabilities resulting from such usage and hold the city harmless.
9. No permit shall become effective unless the permittee named therein shall simultaneously with the issuance thereof, have filed with the City Engineer in form approved by him, a notice of acceptance of the terms, covenants, and conditions thereof and an agreement to abide by all of the terms, covenants, conditions, and obligations imposed on said permittee by this ordinance.

E. Any applicant who feels aggrieved by any action taken by the City Engineer hereunder may file a written appeal with the City Council and City Manager of the City of Astoria setting forth in detail the reasons for such appeal, and thereupon the city council shall hear said appellant and any other relevant information and thereupon may ratify the stand taken by the City Engineer, or may take any action in relation to the grievance of the applicant that the City Engineer could take under the provisions hereof.

[Section 2.350 added by Ordinance No. 68-06, passed May 20, 1968; amended by Ordinance 14-04, passed April 21, 2014.]

2.351 Report Of Defective Maintenance Of Plantings

Whenever any defective maintenance of plantings as specified in Section 2.350 of this code is discovered or reported to be defective, the public works director-city engineer shall report to the city manager who will in turn report to the city council the description of the adjacent or abutting property, the owner thereof, and the type of maintenance needed.

[Section 2.351 added by Ordinance No. 68-06, passed May 20, 1968.]

2.352 Notice Of Defect To Abutting Owner

Upon receipt of such report, the city council may declare the defective maintenance of plantings a nuisance and, if done, shall notify and direct the owner to repair the defective maintenance of plantings, and if so directed, the city manager shall notify the owner of such city council action by certified mail, return receipt requested, and by posted notice upon the property. The notice shall state that the defective maintenance of plantings specifically listed thereon shall be brought into a proper state of maintenance completely according to city specifications within 30 days after the notice is mailed and posted and that, if the owner does not comply with the notice, the city will cause the maintenance to be done and charge the cost thereof against the adjacent or abutting property as a lien.

[Section 2.352 added by Ordinance No. 68-06, passed May 20, 1968.]

2.353 City Maintenance Of Defective Plantings; Abatement Procedures

A. If the owner does not complete such maintenance within the time allowed, the city manager shall have the maintenance work done.

B. The abatement procedures provided in Section 5.450 and Section 5.455 of this code shall be followed in abatement of a nuisance prohibited per Section 2.352 of this code.

[Section 2.353 added by Ordinance No. 68-06, passed May 20, 1968.]