

**CITY OF BAY CITY
ORDINANCE 716**

**AN ORDINANCE ADDING CLARIFICATION FOR CERTAIN ASPECTS WITH
REGARD TO SIDEWALKS AND LIABILITY IN THE BAY CITY MUNICIPAL
CODE**

WHEREAS, a review of the Bay City Municipal Code revealed that the language around sidewalks lacked clarity; and

WHEREAS, the City Council agrees it is in the interest of the public to ensure liability insurance requirements are updated; and

WHEREAS, the City Council believes it is in the interest of the public to provide such additional clarity with regard to insurance and sidewalks.

NOW THEREFORE, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

SECTION 1: **AMENDMENT** “7.04.040 Tree Cutting Permit” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.04.040 Tree Cutting Permit

Any person wanting to cut a tree on any public or private property within the City limits, shall submit a completed Tree Cutting Application to the City Manager, with the following information:

- A. Landowner's name, address and signature.
- B. The Township, Range, Section and Tax Lot location of the trees to be cut.
- C. The legal description and street address, if applicable, of the property where the tree(s) are to be cut.
- D. The number and species of tree(s) to be cut, together with a map showing the location of the trees to be cut.
- E. The name and address of the person removing the tree(s).
- F. Proof of liability insurance by the person cutting the tree(s) of no less than \$300,000.00.
- G. A statement of the proposed disposition of any bucked logs, stumps, or brush, and a reasonable time table for such disposition.
- H. If the tree cutting is in certain areas within the City or on steep slopes, compliance with the following Ordinance provisions may be required as a condition of the Tree Cutting Permit approval:

1. Where located in the Hazards Overlay Zone, the information required by the Hazard Overlay Zone Ordinance.
2. Where subject the Grading and Erosion Control Ordinance, a Grading and Erosion Control Permit shall be required.
3. Where within a wetland, a wetland delineation report and survey may be required.
4. Where subject to a joint permit process, a joint permit from the Oregon Department of State Lands and US Army Corps of Engineers shall be obtained.

AFTER AMENDMENT

7.04.040 Tree Cutting Permit

Any person wanting to cut a tree on any public or private property within the City limits, shall submit a completed Tree Cutting Application to the City Manager, with the following information:

- A. Landowner's name, address and signature.
- B. The Township, Range, Section and Tax Lot location of the trees to be cut.
- C. The legal description and street address, if applicable, of the property where the tree(s) are to be cut.
- D. The number and species of tree(s) to be cut, together with a map showing the location of the trees to be cut.
- E. The name and address of the person removing the tree(s).
- F. Proof of liability insurance by the person cutting the tree(s) of no less than ~~\$31,000,000.00~~ per occurrence, \$2,000,000 aggregate.
- G. A statement of the proposed disposition of any bucked logs, stumps, or brush, and a reasonable time table for such disposition.
- H. If the tree cutting is in certain areas within the City or on steep slopes, compliance with the following Ordinance provisions may be required as a condition of the Tree Cutting Permit approval:
 1. Where located in the Hazards Overlay Zone, the information required by the Hazard Overlay Zone Ordinance.
 2. Where subject the Grading and Erosion Control Ordinance, a Grading and Erosion Control Permit shall be required.
 3. Where within a wetland, a wetland delineation report and survey may be required.
 4. Where subject to a joint permit process, a joint permit from the Oregon Department of State Lands and US Army Corps of Engineers shall be obtained.

SECTION 2: **ADOPTION** “10.10.125 Sidewalks” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.10.125 Sidewalks (Non-existent)

AFTER ADOPTION

10.10.125 Sidewalks(*Added*)

All sidewalks within the City of Bay City shall be constructed and maintained according to City Standards in accordance with the Bay City Municipal Code, including but not limited to those referenced in Section 10.14.170.

- A. Repairs by Owner: It is hereby the duty of all owners of land adjoining any street in the City to maintain in good repair the sidewalks in front of said land and to reconstruct abandoned driveways with sidewalks and full-height curbs and gutters. The City Council shall have the power and authority to determine the grade and width of all sidewalks, the materials to be used, and the specifications for the repair thereof, upon any street or part thereof, or within any area in the City.
- B. Liability: The City shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the unsafe, hazardous or defective condition of any sidewalk, or driveway approach, or for the City's failure to provide notice as provided in Subsection E below.
- C. The owner of the land adjoining any street in the City shall be liable to any person suffering injury by reason of the owner's negligent failure to comply with Subsection A above.
- D. Notwithstanding Subsection C, if the City is nevertheless required to pay damages or incur attorney fees and costs as a result of an injury allegedly sustained by any person due to the failure of an owner to maintain a sidewalk in good repair in safe condition free of hazards, the owner shall reimburse the City for the amount of damaged paid, and for the attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.
- E. Notice of Defects: If the owner of any lot or part thereof, or parcel of land shall suffer any sidewalk along the same to become out of repair or shall cause a driveway or driveway approach to become abandoned, upon learning of the condition, the City shall post upon the property in front of which a sidewalk or curbing is to be reconstructed or constructed in lieu of a driveway, which notice shall, in legible characters, direct the owner, agent or occupant of the property, within sixty (60) days from the date of such posting, to construct or reconstruct said sidewalk and curbing, as in such notice is provided, to conform to the adjoining sidewalk and curb, as the Public Works Director may direct. The authorized representative of the City posting

the notice shall file with the Recorder an affidavit of the posting of such notice, stating the date and place where the notice is posted. The City Recorder shall, upon receiving the affidavit, send by mail a notice to construct or reconstruct the sidewalk or curbing to conform to the adjoining sidewalk and curbing, as the City may direct, such notice to be mailed to the owner, if known, of such property. If such post office address is unknown to the City Recorder, such notice shall be directed to the owner or agent as is shown by the assessment records of the Assessor of the County of Tillamook, State of Oregon. A mistake in the name of the owner or agent, other than that of the true owner or agent of such property, shall not render the notice void, but, in such case, a posted notice shall be sufficient. The owner, agent or occupant, before constructing or reconstructing the sidewalk or curbing, as in the notice provided, shall obtain from the City a permit so to do in accordance with Subsection A above.

F. Repairs by City: If the owner, agent or occupant of any such lot or part thereof, or parcel of land shall fail, neglect or refuse to make the sidewalk repairs within the time designated in Subsection E above, the City shall make the same, and keep an accurate account of the cost of the labor and materials used in making the repairs in front of each lot or parcel of land, and shall report to the City Council the cost of such repairs, and a description of the lot or parts thereof or parcel of land fronting on the sidewalk upon which such repairs were made. The City Council shall, by ordinance, assess upon each of the lots or parts thereof or parcels of land fronting upon sidewalks which have been so repaired or laid the cost of making such repairs or laying the same, including legal, administrative and engineering costs attributable thereof. In each case all such assessments may be combined in one assessment roll and the same shall be entered in the docket of City liens and collected in the same manner as is provided in Article 2.02 for the collection of special assessments for local improvements.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from thirty (30) days following the required approval and publication according to law.

SECTION 5: APPROVAL AND ADOPTION
First Reading: October 14, 2025

Second Reading: November 18, 2025

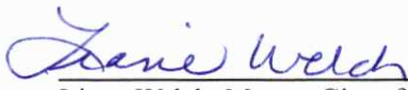
Adoption: November 18, 2025

Effective Date: December 18, 2025

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL
NOVEMBER 18, 2025.

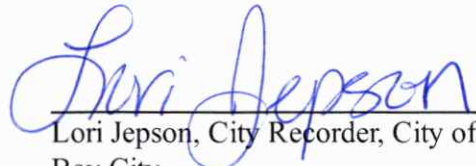
	AYE	NAY	ABSENT	ABSTAIN
Kathleen Baker, Council President	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Anthony Boatman, Councilor	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Justin Howard, Councilor	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Colin Jones, Councilor	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Tim Josi, Councilor	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Ralph McRae, Councilor	<u> </u>	<u> </u>	<u>X</u>	<u> </u>

Presiding Officer



Liane Welch, Mayor, City of Bay City

Attest



Lori Jepson, City Recorder, City of
Bay City