

ORIGINAL

0046.170.002
WDT/srf
03/10/93

ORDINANCE NO. 39

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ESTABLISHING REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS, CURBS AND GUTTERS; PROVIDING THAT THE ABUTTING PROPERTY OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE SIDEWALK; PROVIDING THAT THE EXPENSE OF CONSTRUCTING, MAINTAINING AND REPAIRING SIDEWALKS SHALL BE BORNE BY THE ABUTTING PROPERTY OWNER; PROVIDING AUTHORITY TO CONSTRUCT AND REPAIR SIDEWALKS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35.21.220 authorizes cities to regulate the use of sidewalks within the city limits, and

WHEREAS, the City Council finds that the following ordinance is in the best interest of the public health, safety and general welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Unless the context clearly indicates otherwise, the words used in this ordinance shall have the meaning given in this section:

"Abutting property" includes all property having a frontage upon the margin of any street or other public place.

"Sidewalk" includes any structure or form of street improvement in the space between the street margin and the roadway, known as the sidewalk area.

Section 2. Abutting Property Owner to Maintain Sidewalk in Safe Condition. It shall be the responsibility of the owner of

ORIGINAL

property abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, free of any and all obstructions or defects, including but not limited to ice and snow.

Section 3. Expense of Maintenance and Repair to be Borne by Abutting Property and Owner Thereof. The burden and expense of constructing, maintaining and repairing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon. In case any injury or damage to any person shall be caused by the defective condition of any sidewalk, or ice or snow thereon, or by the lack of proper guards or railings on or along the property abutting on any public way, the abutting property where the injury or damage occurs and the owner or owners thereof shall be liable to the city for all damage, injuries, costs and disbursements which it may be required to pay to the person injured or damaged.

Section 4. Procedure to Order Construction or Repair.

A. If the judgment of the City Manager, public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street, such fact shall be reported to the City Council.

B. If upon receiving a report from the proper officer, the City Council deems the construction of the proposed sidewalk or repair of such sidewalk necessary or convenient for the public health, safety or welfare, the City Council may then order such work to be done pursuant to the procedures established therefor in RCW 35.68 or RCW 35.70 relating to local improvement districts for sidewalks, curbs and gutters. The cost of such proposed sidewalk construction or sidewalk repair shall be borne by the abutting property or the owners thereof, to the extent

ORIGINAL

deemed reasonable and appropriate by the City Council in accordance with the procedure then to be followed pursuant to RCW 35.68 or RCW 35.70.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

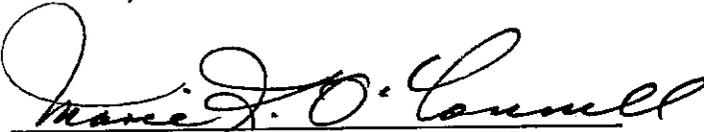
Section 6. Effective Date. This ordinance shall be effective as of March 31, 1993, which is more than five (5) days after publication of an approved summary consisting of the title to this ordinance.

PASSED by the City Council of the City of Woodinville this 22nd day of March, 1993.

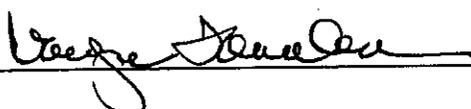
APPROVED:


MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:


CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: 3/18/93
PASSED BY THE CITY COUNCIL: 3/22/93
PUBLISHED: 3/29/93
EFFECTIVE DATE: 3/31/93
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