

Appealed By 2154 Date: \_\_\_\_\_

ORDINANCE NO. 920

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO SIDEWALKS, DECLARING THE RESPONSIBILITY OF ABUTTING PROPERTY AND THE OWNERS THEREOF IN REGARD THERETO, PROVIDING A NON-EXCLUSIVE PROCEDURE FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SIDEWALKS, AND PROVIDING PENALTIES.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. 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. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain said 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. 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 by 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 of Kirkland for all damage, injuries, costs and disbursements which it may be required to pay to the person injured or damaged.

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Section 4. If in the judgment of the city engineer or street department, public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street, he shall report the fact to the city council immediately.

Section 5. 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 it shall by an appropriate resolution order such construction or repair and shall cause a written notice to be served upon the owner of each parcel of land abutting upon that portion and the side of the street where the sidewalk is to be constructed or repaired requiring him to construct or repair the sidewalk in accordance with the resolution.

Section 6. The resolution and notice and order to construct or repair a sidewalk shall:

(1) Describe each parcel of land abutting upon that portion and side of the street where the sidewalk is ordered to be constructed or repaired.

(2) Specify the kind of sidewalk required, its size and dimensions, the method and material to be used in the construction or repair.

(3) Contain an estimate of the cost thereof, and

(4) State that unless the sidewalk is constructed or repaired in compliance with the notice, and within a reasonable time therein specified the city or town will construct or repair said sidewalk and assess the cost and expenses thereof against the abutting property described in the notice.

Section 7. The notice shall be served:

(1) By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the

owners, or

(2) By leaving a copy thereof at the usual place of abode of such owner in the city with a person of suitable age and discretion residing therein, or

(3) If the owner is a nonresident of the city and his place of residence is known, by mailing a copy to the owner addressed to his last known place of residence, or

(4) If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in two weekly issues of the official newspaper of the city of Kirkland, or if there is no official newspaper, then in any weekly newspaper published in said city. Such notice shall specify a reasonable time within which said sidewalk shall be constructed or repaired which in the case of publication of the notice shall be not less than sixty days from the date of first publication of such notice.

Section 8. If the notice and order to construct or repair a sidewalk is not complied with within the time therein specified the city engineer or street department shall proceed to construct or repair said sidewalk forthwith and shall report to the city or town council at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof, if known, and apportion the cost of said improvement to be assessed against each parcel of such land.

Section 9. There upon the city council shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of said hearing to be published for two successive weeks in the official newspaper of the city of Kirkland, or if there is no such official newspaper, then in any weekly newspaper published in such city, the date of said hearing to be not less than thirty days from the date of

the first publication of said notice. At the hearing or at any adjournment thereof the council by ordinance shall assess the cost of constructing or repairing said sidewalk against the abutting property in accordance with the benefits thereto.

Section 10. The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six percent per annum from the date of the approval of said assessment thereon.

Section 11. This ordinance shall not be construed as repealing or amending any provision relating to the improvement of streets or public ways by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and auxiliary thereto.

Section 12. This ordinance shall take effect and be in force five days from and after its passage by the council, approval by the mayor and posting or publishing as required by law.

Introduced this 7th day of October, 1963.

Passed and Approved this 21st day of October, 1963.

*Byron D. ...*  
Mayor

Attest:

*George E. Anderson*  
City Clerk

Approved as to Form:

*Ray ...*  
City Attorney

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