

ORDINANCE NO. 2654

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON RELATING TO SIDEWALKS, CURBS AND GUTTERS DECLARING THE RESPONSIBILITY OF ABUTTING PROPERTY AND THE OWNERS THEREOF IN REGARD THERETO, PROVIDING A NONEXCLUSIVE PROCEDURE FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SIDEWALKS, INCLUDING CURBS, GUTTERS AND PLANTING STRIPS AND ADDING A NEW CHAPTER TO THE KIRKLAND MUNICIPAL CODE TO BE KNOWN AS CHAPTER 19.20

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. There is hereby added to the Kirkland Municipal Code a new chapter to be known as Chapter 19.20 to read as follows:

Section 19.20.010--Definitions. Unless the context clearly indicates otherwise, the words used in this chapter 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 19.20.020--Abutting Property Owner to Maintain Sidewalk in Safe Condition. 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 19.20.030--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 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.

Section 19.20.040--Procedure to Order Construction or Repair. If in the judgment of the City Engineer or the Department of Public Services, 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.

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 relating to local improvement districts for sidewalks, curbs and gutters; or in the alternative, where the council deems the method appropriate, the council may require such work to be done pursuant to Kirkland Municipal Code Chapter 21.48 relating to public improvements required to be done in connection with certain land use and construction permits. In either case, the cost of such proposed sidewalk construction or sidewalk repair shall be borne by the abutting property or the owners thereof, to the extent deemed reasonable and appropriate by the City council in accordance with the procedure then to be followed pursuant to either RCW 35.68 or Kirkland Municipal Code Chapter 21.48.

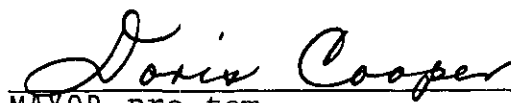
Section 2. Savings clause. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Ordinance 920 of the City of Kirkland relating to sidewalks and adopted October 21, 1963, be and it hereby is repealed.

Section 4. This ordinance shall be in force and take effect five days from and after its passage by the City council and posting or publication as required by law.

Passed by the Kirkland City Council in regular meeting on the 1st day of March, 1982.

Signed in authentication thereof on the 1st day of March, 1982.



MAYOR pro tem

ATTEST:



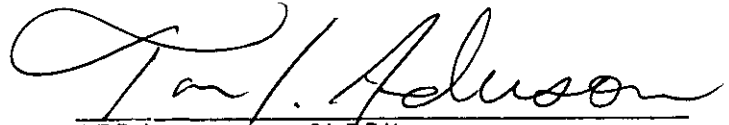
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the fore-
going ordinance was posted on the 3rd day of March,
1982 in accordance with the provisions of RCW 35A.12.160 and
City of Kirkland Ordinance No. 2600.


CLERK