

ORDINANCE NO. 3027

AN ORDINANCE relating to the maintenance and repair of sidewalks and planting strips; providing for the payment of the cost of repair thereof by owners of abutting property; requiring the removal of pedestrian hazards from sidewalks and prescribing penalties; and establishing the responsibility for maintenance to planting strip areas.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Definitions. Terms used in this ordinance with relation to sidewalks, planting strips and curbs, mean:

a. Curbs--a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the roadway and to separate the vehicular portion from that provided for pedestrians and to control surface drainage.

b. Planting strips--that portion of the right of way behind the curb line and between the curb line and the sidewalk or between the sidewalk and the right of way line used for the planting of trees, grass, shrubs or groundcover.

c. Sidewalk--that property between the curb line and the adjacent property set aside and intended for the use of pedestrians improved by paving with cement concrete or asphaltic concrete.

SECTION 2. Whenever a portion of any street or road, including any boulevard, avenue, lane or place is improved by a sidewalk thereon, and the sidewalk shall have become unfit or unsafe for public travel, the Department of Public Works and Transportation may determine that the repair of that portion of sidewalk is necessary for the public safety and convenience. If the Department does so find, the duty, burden and expense of repair shall be the responsibility of the abutting property owner; provided that the abutting property owner shall not be charged with any costs of repair in excess of twenty-five percent of the valuation of the abutting property, exclusive of improvements.

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1 SECTION 3. Whenever the Department of Public Works and
2 Transportation has determined that a portion of a sidewalk has
3 become unfit or unsafe for public travel, the Department shall
4 serve a written notice on the owner of the abutting property
5 instructing the owner to repair the sidewalk in accordance with
6 standard plans and specifications which shall be attached to the
7 notice. The notice may be delivered in person to the owner, to
8 the resident of the property or by mail to the last known address
9 of the property owner. If the owner is unknown, a copy of the
10 notice shall be posted in a conspicuous place on the portion of
11 the street where the improvements are to be made. The notice
12 shall specify a reasonable time for such construction or
13 reconstruction and shall also state that in the event the project
14 is not completed within the time period specified, the Department
15 of Public Works and Transportation will proceed to have the
16 improvements completed. Following completion, the Department
17 will report to the Council an assessment roll showing the lots or
18 parcels abutting the project and the name of the owner(s). Upon
19 expiration of the normal time for hearing protests as specified
20 in RCW 36.88.090, the Council shall assess the cost for the
21 improvement against the abutting property owner which shall
22 become a lien against the property if not paid.

23 SECTION 4. Maintenance of planting strips including trees,
24 shrubbery, grass or other ground cover shall be the responsibility
25 of the abutting property owner. Should the director of Public
26 Works and Transportation find that such property is not being
27 properly maintained, a notice shall be forwarded as provided in
28 Section 3 specifying a reasonable time within which such
29 maintenance shall be accomplished. If the owner fails to proceed,
30 the Department of Public Works and Transportation will have the
31 maintenance performed, and the cost will be assessed against the
32 property owner as provided in Section 3.

1 SECTION 5. It shall be unlawful for any person, firm or
2 corporation owning real property within the unincorporated area
3 to permit the accumulation of snow, ice, trash or any other
4 matter on an existing sidewalk which impedes the normal flow of
5 pedestrian traffic. In the event the property is owned by a
6 person not a resident of King County, a reasonable period of time
7 shall be provided for the owner or his agent to remove the
8 material. If such removal is not accomplished within a reasonable
9 period of time, the director of Public Works and Transportation
10 may have the sidewalk cleaned and the cost thereof shall be a
11 lien on the property.

12 SECTION 6. Each day any sidewalk, or driveway portion
13 thereof is permitted to remain in a hazardous condition as
14 specified in Section 5 of this ordinance shall be considered and
15 shall constitute a separate violation. Violation of Section 5 of
16 this ordinance shall constitute a misdemeanor and shall be
17 punished as provided by law.

18 SECTION 7. Residents whose property is substantially higher
19 or lower in elevation than the street who do not have street
20 access from one or more sides of their property may apply for an
21 exemption from the provisions of Sections 4 and 5 of this
22 ordinance. Exemptions may be granted by the County Engineer
23 based upon standards which shall be established by the Department.

24 SECTION 8. Notwithstanding any provision of franchise
25 agreements, street trees planted within the public right of way
26 along roads under the jurisdiction of King County, shall not be
27 removed or cut back so as to generally damage the aesthetic
28 quality of the tree. Such trimming, when required by power or
29 telephone companies to safeguard their wires, shall be done in a
30 manner that preserves the general appearance of the tree. The
31 same provisions shall be applicable to others in that trees,
32 shrubs and other plantings shall not be removed or otherwise
33 trimmed so as to damage the general appearance of the planting

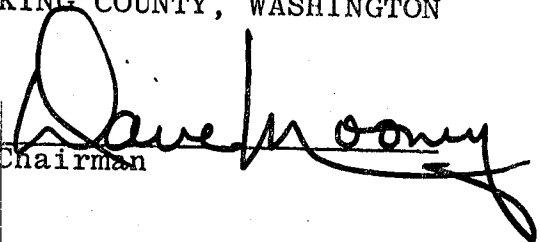
1 areas.

2 Judicious trimming is permitted in such areas that will
3 provide proper sight distance for intersections and such traffic
4 warning or regulatory signs that are in place.

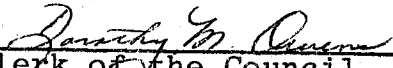
5 INTRODUCED AND READ for the first time this 13th day of
6 September, 1976.

7 PASSED this 27th day of December, 1976.

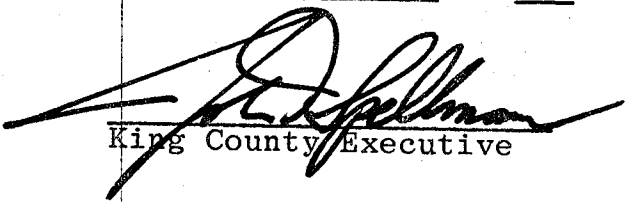
9 KING COUNTY COUNCIL
10 KING COUNTY, WASHINGTON

11 
12 Chairman

13 ATTEST:

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15 ~~Dep~~ Clerk of the Council

16 APPROVED this 30th day of December, 1976.

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18 King County Executive

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