

**CITY OF MONROE
ORDINANCE NO. 008/2019(SUB)**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING MONROE MUNICIPAL CODE
CHAPTER 12.12, SIDEWALK CONSTRUCTION AND
MAINTENANCE; ADOPTING CHAPTER 12.14, SIDEWALK
MAINTENANCE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the maintenance and repair of sidewalks is in the best interest of the City of Monroe; and

WHEREAS, the Monroe City Council determined it would be in the best interest of the City to effect the changes as provided below.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 12.12 MMC – Sidewalk Construction and Maintenance. Chapter 12.12 of the Monroe Municipal Code, is hereby amended as follows:

**Chapter 12.12
SIDEWALK CONSTRUCTION AND ((MAINTENANCE))REPAIR**

Sections:

- 12.12.010 Standards of construction.
- 12.12.020 State law adopted by reference.
- 12.12.030 Sidewalks – Industrial, business and multifamily zones.
- 12.12.040 Abutting property owner responsible.**
- 12.12.050 Notification.**
- 12.12.060 Procedure to order construction or repair.**

12.12.010 Standards of construction.

All sidewalks hereafter constructed shall conform to the latest edition of the City of Monroe Public Works Design and Construction Standards. Location and grade of sidewalk shall be approved by the city engineer or designee.

12.12.020 State law adopted by reference.

Chapters 35.68, 35.69 and 35.70 RCW, inclusive, together with all amendments, extensions, additions thereto, or deletions therefrom, are by this reference adopted and incorporated herein.

12.12.030 Sidewalks – Industrial, business and multifamily zones.

A. A sidewalk or walkway shall be constructed on all public right-of-way frontages as a condition of a building permit issuance for any improvements on property zoned for business, industrial or multifamily uses. The sidewalk or walkway shall be constructed prior to the issuance of a certificate of occupancy.

B. This requirement of this section may be waived by the city council to the extent that the council determines that the improvements or change in use proposed by the property owner will not create any additional need for sidewalks or that the sidewalk requirement is disproportional to the needs created by the project as required by RCW 82.02.020 and constitutional requirements of nexus and proportionality.

C. In the event the property is used as a single-family residential use but is located in an area zoned for business, industrial, or multifamily uses, and said single-family use is changed and a certificate of occupancy is required prior to said new use, a sidewalk or walkway requirement shall comply with this chapter.

12.12.040 Abutting property owner responsible.

A. It shall be the responsibility of the owner of property abutting upon a public sidewalk to keep the sidewalk at all times in a safe condition, free of any and all defects.

B. Expense of repair to be borne by abutting property owner thereof. The burden and expense of constructing, maintaining and repairing sidewalks along the side of any street or other public place shall fall upon and be borne by the property directly abutting thereon as allowed by RCW 35.68, 35.69, and 35.70.

12.12.050 Notification.

A. It shall be the duty of an owner or occupier of property abutting a public sidewalk to notify in writing the city administrator or designee of any unsafe condition on a public sidewalk abutting the owner's or occupier's property. Such notice shall set forth the nature and location of the unsafe condition and a statement that the unsafe condition was not created by, caused by or contributed to by the abutting owner or occupier of abutting property. Such notice shall be submitted in writing to the city administrator or designee within forty-eight hours of discovery of the unsafe condition.

12.12.060 Procedure to order construction or repair.

A. If in the judgment of the city administrator or designee public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street, the procedures contained in RCW 35.68, 35.69, and 38.70 shall be followed.

Section 2. Adoption of Chapter 12.14 MMC, Sidewalk Maintenance. Monroe Municipal Code Title 1, Public Improvements, is hereby amended by the addition of a new Chapter 12.14, Sidewalk Maintenance, in its entirety, as follows.

Chapter 12.14
SIDEWALK MAINTENANCE

Sections:

12.14.010 Abutting property owner to maintain sidewalk.

12.14.020 Snow or ice.

12.14.010 Abutting property owner to maintain sidewalk.

A. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain, including but not limited to the removal and disposal of debris, litter, vegetation, snow, and ice from, the sidewalk at all times.

B. The burden and expense of maintaining sidewalks along the side of any street or other public place shall fall upon and be borne by the property directly abutting thereon.

12.14.020 Snow or ice

The owner, agent, occupant, or person in charge of each property abutting upon a public sidewalk shall clean the sidewalk abutting such property of snow or ice to the width of said sidewalk and cause the same to be kept clean from snow and ice.

Section 3. 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 4. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days after the date of publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 23rd day of April, 2019.

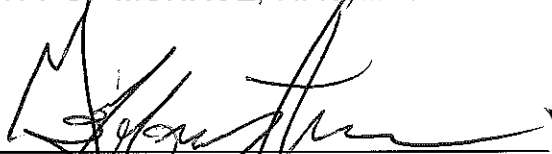
First Reading: April 9, 2019

Final Reading:

Published:

Effective:

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor

(SEAL):

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Leff, City Attorney