



Kalama City Council - Council Agenda Item Information Form

Unfinished Business – 6C

Meeting Date April 5, 2017

Prepared by: Coni McMaster, Clerk/Treasurer

Subject: Sidewalk Code Update

Summary: See the Attached Code sections. One idea of how to revise the current code section is as follows:

A flat fee structure for payment in lieu of sidewalk construction be adopted in the annual fee resolution. Eliminating the confusion of the sidewalk plan related to the payment in lieu of construction. So to simplify it:

- 1) Update the sidewalk plan now and again in 2020. After 2020 in 5 year intervals.
- 2) If your lot is identified on the sidewalk plan you construct sidewalk curb and gutter if it is not present and in good condition for the entire (public) street frontage of the lot.
- 3) If your lot is not identified on the sidewalk plan you pay a flat payment in lieu of construction fee of \$5000(system development, impact, whatever we need to call it) to the sidewalk fund 103. The fee is adopted along with all other fees and subject to review and increase by the Council once a year as part of the fee resolution.

We can also look at what other cities are doing to and bring additional ideas back for review. Staff can then draft a code amending ordinance to enact the revisions.

Recommendation :

Alternatives:

► **Draft/Suggested Motion:**

KALAMA MUNICIPAL CODE – SIDEWALK CODE SECTIONS

Chapter 11.04 - SIDEWALKS—CONSTRUCTION AND REPAIR

Sections:

11.04.010 - Maintenance responsibility.

Whenever any street, lane, square, place or alley in the city has been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repair and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed as hereinafter provided.

(Ord. 384 (part), 1947).

11.04.020 - Unfit sidewalks—Notice to owner—Cost assessment.

Whenever in the judgment of that officer or department which is or shall be charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the officer or department shall thereupon serve a notice on the owner of the property immediately abutting upon said portion of said sidewalk of the condition thereof, instructing the said owner to clear, repair or renew the portion of the sidewalk. The notice provided for shall be deemed sufficiently served if delivered in person to the owner of the property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or if the owner is a nonresident, by mailing a copy to his last known address, or if the owner of the property is unknown or if his address is unknown then such notice shall be addressed to General Delivery, Kalama. Such notice shall specify a reasonable time within which such cleaning, repairs or renewals shall be executed by the owner, and shall state that in case the owner fails to do such cleaning or to make such repairs or renewal within the time thereon specified, then the officer or department will proceed to clean said walk or to make such repairs or renewal forthwith, and will report to the city council at its next regular meeting, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement and repair and the name of the owner, if known, and the council will hear any or all protests against the proposed assessment.

(Ord. 384 (part), 1947).

11.04.030 - Cost to become lien.

The council shall at the time, in such notice designated or at an adjourned time or times assess the cost of such work against said property in accordance with the benefits derived therefrom, which said charge shall become a lien upon said property and shall be collected by due process of law.

(Ord. 384 (part), 1947).

11.04.040 - Definitions.

For the purposes of this chapter all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property and such property shall be chargeable, as provided by this chapter for all cost of maintenance, repairs or renewals of any form of sidewalk improvement between the street margin and the roadway lying in front of and adjacent to said property, and the term "sidewalk, as extended" for the purpose of this chapter, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and roadway.

(Ord. 384 (part), 1947).

Chapter 11.05 - SIDEWALKS, CURBS AND GUTTERS

Sections:

11.05.010 - Purpose.

The purpose of this chapter is to provide for the uniform construction of sidewalks, curbs and gutters throughout the city, and to require that property owners who construct buildings, develop property, or perform a major remodel, be required to construct sidewalks, curbs, and gutters adjacent to their property or to contribute to a sidewalk fund.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.020 - Benefits.

The uniform installation of sidewalks, curbs, and gutters will provide for safe pedestrian travel throughout the city and provide for the control of storm water runoff throughout the city.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.030 - Application.

The provisions of this chapter shall apply to the following projects within all commercial and residential use districts within the city as defined in Kalama Municipal Code Chapter 17:

- A. The construction of any structure with a value of thirty thousand dollars or more.
- B. The remodel of an existing single family residence, duplex, triplex, or other multi-dwelling unit or commercial building, where the cost of the remodel exceeds thirty thousand dollars combined permits for a three-year period.
- C. Construction of any project costing more than thirty thousand dollars for a three-year period.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.040 - Construction of sidewalks, curbs and gutters.

No building permit or development permit shall hereafter be granted for the construction or improvement of any building, or remodel of an existing structure, or other projects where the cost of the project or multiple projects on the same property exceeds thirty thousand dollars over three years, unless the plans and specifications therefore contain provisions for the construction of curbs, gutters, and sidewalk or payment in-lieu-of into the city sidewalk fund.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.050 - Construction required.

- A. Any person who constructs or causes to be constructed any new building project or remodel in excess of thirty thousand dollars in valuation over a three-year period, within the city limits where the owners' property fronts on any dedicated street or other publicly owned street, shall construct curbs, gutters and sidewalks in accordance with the specifications in Section 11.05.060 along all street frontage adjoining the property upon which such building or structure exists provided that the requirement will be limited to construction only in the locations specified in the city's adopted sidewalk plan. Property owners will not be required to construct more than two hundred lineal feet of curbs, gutters, and sidewalks in a three year period.
- B. The provisions of this section shall not apply where curbs, gutters and sidewalks in good repair already exist. Whether curbs, gutters and sidewalks in good repair already exist in accordance with the design specifications of Section 11.05.060, shall be determined in each instance by the director of public works, and an endorsement to that effect shall be made upon each building permit at the time of issuance. Sidewalks in poor condition must be repaired prior to receiving an endorsement from the director of public works.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.060 - Specifications.

Any sidewalk, curb and gutter construction pursuant to this chapter shall comply with the following specifications:

- A. All sidewalks in areas zoned residential shall be five feet in width.
- B. All sidewalks in areas zoned commercial shall be eight feet in width,
- C. All sidewalks shall be a minimum of four inches thick.
- D. All sidewalks, curbs and gutters shall be built according to the standard specification for new street construction set forth in the city "Development Guidelines and Public Works Standards," and any amendments thereto, and all specifications required by the director of public works.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.070 - Effect of failure to construct.

The building official shall refuse to issue an occupancy permit or, in the case of a remodel, sign a final inspection approval, unless curbs, gutters and sidewalks, where required by this chapter, are constructed and existing sidewalks are in good repair, or unless a surety to guarantee their construction is deposited with the city in a sum equal to the estimated cost of construction of such improvements as determined by the director of public works, and provided such construction of the improvements are completed within ninety days.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.080 - Payment to sidewalk fund.

When, in the opinion of the director of public works, a sidewalk, curb and gutter cannot be constructed on or adjacent to an owner's property because of terrain, location, being inconsistent with the city's comprehensive sidewalk plan, or other factors, the owner may, contribute an amount of money equal to the

product of the average cost per foot to construct sidewalks, curbs, and gutters multiplied by the number of lineal frontage feet of the property subject to this chapter, but in no event more than two hundred feet in a three-year period; into sidewalk fund No. 103, which shall be used to repair and construct sidewalks, curbs gutters and pedestrian trails within the city. The director of public works will calculate the lineal foot cost by consulting licensed construction firms in the area.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.085 - Exemptions and limitations.

Sidewalk requirements will be waived if the streets adjacent to the parcel have sidewalks of good repair in place as identified in the city's most recently adopted sidewalk plan.

Only one half of the sidewalk requirement will be assessed if a property owner must build on the opposite side of the street to comply with the plan.

(Ord. 1068 § 3 (Exh. A (part)), 2001).

11.05.090 - Appeal.

Any person aggrieved by any decision of the director of public works under this chapter may appeal such decision to the city hearing examiner.

(Ord. 1068 § 3 (Exh. A (part)), 2001).