

ORDINANCE NO. 1403

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING KALAMA MUNICIPAL CODE CHAPTER 11.04 SIDEWALKS – CONSTRUCTION AND REPAIR AND CHAPTER 11.05 SIDEWALKS, CURBS AND GUTTERS TO ESTABLISH

WHEREAS, the City of Kalama adopted a sidewalk code amendment in 2001 which allowed for the payment in lieu of sidewalk when construction of sidewalks was not feasible or advisable;

WHEREAS, the City of Kalama received an appeal of the code requirements in 2016 which while the City prevailed in the appeal brought forward concerns with some of the code sections;

WHEREAS, the Kalama City Council directed the Kalama Planning Commission to review the City's sidewalk code for amendments to address issues of concern;

WHEREAS, the Planning Commission drafted code revisions, filed SEPA and held a public hearing on April 19, 2018 to take testimony on the revisions after which they moved to send the recommendations to the City Council for approval;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Chapter 11.04 Sidewalks – Construction and Repair is amended to read as follows:

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.

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 their 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 their last known address, or if the owner of the property is unknown or if their 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.

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.

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.

Section 2. Kalama Municipal Code Chapter 11.05 – Sidewalks, Curbs and Gutters is amended to read as follows:

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.

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.

11.05.030 - Application.

The provisions of this chapter shall apply to the following projects within all land 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 commercial, or industrial building, where the cost of the remodel exceeds thirty thousand dollars.

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, 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.

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, within the city limits where the owners' property fronts on any dedicated street or other publicly owned street, shall have a licensed contractor 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. Property owners will not be required to construct more than two hundred lineal feet of curbs, gutters, and sidewalks within a 10-year period. Exceptions to this requirement are noted below:
 1. 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 or their designee, 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 or their designee.
 2. Due to narrow right-of-way width, large lot sizes, and slopes, no sidewalks shall be constructed east of 10th Street along China Garden Road or along Taylor Road. Projects on parcels in these areas meeting the thresholds of 11.05.040 shall pay a fee in-lieu of construction per 11.05.080. When, in the opinion of the director of public works or their designee, a sidewalk, curb and gutter cannot be constructed on or adjacent to an owner's property because of terrain, lack of available right-of-way, or lack of reasonable potential future sidewalk connections, projects on parcels in these areas meeting the thresholds of 11.05.040 shall pay a fee in-lieu of construction per 11.05.080.

11.05.060 - Specifications.

All curb, gutter and sidewalk shall be constructed in accordance with City of Kalama Development Guidelines and Public Works Standards

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, or their designee, and provided such construction of the improvements are completed within ninety days.

11.05.080 - Payment to sidewalk fund.

When, in the opinion of the director of public works or designee, a sidewalk, curb and gutter cannot be constructed per one of the exceptions in 11.05.050, the owner shall contribute an amount determined by City Council at a cost per lineal 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 10-year period; into sidewalk fund No. 103. Money in the sidewalk fund shall be used to repair and construct sidewalks, curbs gutters and pedestrian trails within the city. The City Council shall set the lineal foot cost each year by resolution.

11.05.085 - Exemptions and limitations.

Sidewalk requirements will be waived if the streets abutting the parcel have sidewalks of good repair in place.

11.05.090 - Appeal.

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

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 3rd day of May, 2018

Mayor Mike Reuter

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed: _____

Published: _____

Effective: _____

DRAFT