

Chapter 12.20

SIDEWALK MAINTENANCE AND REPAIR

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12.20.010 Abutting Premises Owner's Duty to Maintain. Whenever any street, lane, square, place, or alley in the City of Snohomish has been or shall have been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden, and expense of the maintenance, repair, and renewal of such sidewalk, or sidewalks shall devolve upon

the property directly abutting on that side of such street along which such sidewalk has been constructed as hereinafter provided. (Ord. 388, 1912)

12.20.020 Notice to Repair – Authorized.

Whenever in the judgment of the Public Works Director, or such person as shall be designated by the Public Works Director, the construction of any sidewalk in the City is such as to render the same unfit or unsafe for the purpose of public travel, the said officer shall thereupon serve, or cause to be served, a written notice on the property owner of the property immediately abutting upon said portion of the sidewalk, of the condition thereof, instructions said owner to clean, clear, repair, or replace said portion of the sidewalk in such manner as officials shall designate. (Ord. 388, 1912; Ord. 1312, 1976)

12.20.030 Notice to Repair – Service.

The notice provided for herein shall be deemed sufficiently served if delivered in person to the owner of said property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent with some person of suitable age and discretion, or by mailing said notice to the owner or authorized agent by certified mail, return receipt requested; or if the owner is a nonresident, by mailing by certified mail, return receipt requested, a copy of said notice to his last known addresses, or if the owner of the property be unknown or if his address be unknown, then such notice shall be mailed by certified mail, return receipt requested, and addressed to the general delivery office of the City of Snohomish. (Ord. 388, 1912; Ord. 1312, 1976)

12.20.050 Failure to Improve – City Action – Cost.

If any such property owner, who has been notified, fails to make the improvements so ordered within the time specified in such notice, then the public works director shall proceed to make the

improvement so ordered and shall report to the City Council the cost of such improvement. The City Council at its regular meeting shall assess the cost of such work against the property owner and the parcel of land immediately abutting on that portion of the sidewalk so improved, which charge or assessment shall be a lien upon said property and shall be collected by due process of law in the same manner as are other local improvement assessments by the City Clerk causing said costs to be recorded on the assessment roll, and said assessment shall constitute a special assessment against and a lien upon the property. (Ord. 388, 1912; Ord. 1312, 1976)

12.20.060 Definitions. For the purpose of this chapter, all property having a frontage upon the sides or margin of any street shall be deemed "abutting property," and such property shall be chargeable as provided in this chapter for all costs of cleaning, clearing, and repairing or replacing any form of sidewalk, such payments to be in accordance with Resolution No. 389A, of the City of Snohomish. Between said street margin and the roadway on and in front of and adjacent to it, the term "sidewalk," for the purpose of this chapter, shall be taken to include any and all constructions or forms of street improvements included in the streets spaced between the margin and the roadway, excluding the curb and gutter, which shall be constructed by the City of Snohomish in accordance with Resolution No. 389. (Ord. 388, 1912; Ord. 1312, 1976)

12.20.080 Construction Procedure. All cleaning, clearing, repairs, and replacement or construction of new sidewalks, curbs or gutters, or combined curbs or gutters, shall be constructed in accordance with the specifications as provided by the Public Works Director of the City of Snohomish. (Ord. 388, 1912; Ord. 554, 1926; Ord. 1312, 1976)

12.20.090 Abutting Premises Owners' Liability to Injured Party and City for Failure to Maintain. Every abutting property owner, who has been notified as provided in Sections 12.20.020 and 12.20.030, who shall fail to make improvements to the abutting sidewalk as ordered, shall be liable for injury or damage to any person caused by the defective condition of the sidewalk. Such owner shall be liable to the City for all damages, injuries, costs, and disbursements which it may be required to pay the person injured. (Ord. 1261, 1975)

12.20.100 City's Action for Failure to Improve – Fine. Every abutting property owner, who, after having received notice from the Public Works Director of the City of Snohomish as provided in Sections 12.20.020 and 12.20.030, that the sidewalk in front of the property owned or controlled by such person is out of condition or repair, shall neglect or refuse to put such sidewalk in condition or repair within the time and in the manner provided by such notice, shall be in violation of this Chapter of the Snohomish Municipal Code, and such violation shall be considered a civil violation pursuant to SMC 1.01.080 and Chapter 1.14 SMC, except as otherwise provided therein. (Ord. 1261, 1975; Ord. 1927, 1999; Ord. 2155, 2008)

12.20.110 Abutting Premises Owners' Duty to Keep Sidewalks Clear of Ice and Snow – Liability to Injured Parties and City. Every owner of property within the City limits of Snohomish, shall, during the time snow shall continue on the ground, by nine a.m. upon every day after the snowfall, and when necessary, clear the sidewalk in front of such property of snow and ice and shall keep it conveniently free therefrom during the day; or shall, in case the ice and snow are so congealed that they cannot be removed without injury to such sidewalks, cause the snow and ice to be strewn with

ashes, sand, or other suitable material. Any abutting property owner neglecting or refusing to comply with the provisions of Sections 12.20.090 through 12.20.120 shall be liable to any person for injuries or damages caused by such failure and such owner shall be liable to the City for all damages, injuries, costs, and disbursements which it may be required to pay the person injured. (Ord. 1261, 1975)

12.20.120 City's Action for Abutting Property Owners' Failure to Remove Snow and Ice – Cost. Whenever any person shall neglect or refuse to remove snow or ice as compelled by this chapter, the Public Works Director shall cause all such snow and ice to be removed and shall report the same, together with verified vouchers of the costs of the removal, to the City Council, and the costs shall be assessed upon the lot, block, or property abutting upon the sidewalk from which the said snow and ice are removed, and the City Council shall make a special assessment for the same and said assessment shall be a lien upon said lot, block, or other property, collected by due process of law as other local improvement assessments. (Ord. 1261, 1975)

12.20.130 Permit – Required. It is unlawful for any person to install, remove, alter, repair, replace, or construct any sidewalk, curb, gutter, or driveway, or combination of the same, or cause the same to be done in the City, without first obtaining a permit to do such work from the Director of Public Works.

A separate permit shall be obtained for proposed improvements abutting each separate lot or parcel of property under common ownership.

No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in his employ.

The permit required pursuant to this section shall also be subject to all requirements of Ordinance 1708, as codified in SMC Chapter 12.12 as it now reads or is hereafter amended. Any permitting requirements set forth in this chapter that are inconsistent with SMC Chapter 12.12 shall be superseded and controlled by the provisions of SMC Chapter 12.12. (Ord. 1721, 1992)

12.20.140 Permit – Issuance Restrictions. Any permit required by this chapter may be issued to any properly licensed person not acting in violation of any current contractor licensing law, or to the owner of any single-family dwelling located on the premises abutting the proposed work. (Ord. 1322, 1976)

12.20.150 Permit – Application – Contents Required – Issuance Authority.

- A. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location and ownership of the premises in connection therewith. The Director of Public Works may require plans, specifications, or drawings and such other information as he may deem necessary.
- B. If the Director of Public Works determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant are in compliance with this code, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed. (Ord. 1322, 1976)

12.20.160 Permit Fee Schedule. Every applicant for a permit to do work regulated by this code shall, at the time of making such application, pay a permit fee in accordance with the following schedule:

- A. For all work consisting of patching and minor repairing of a sidewalk or driveway which does not involve the removal of the existing improvement: none;
- B. For all work consisting of reconstruction of a sidewalk or driveway requiring removal and replacement of all or a portion of the existing improvement, and all new construction of a sidewalk or driveway where one did not previously exist: five dollars. (Ord. 1322 SS5, 1976)

12.20.170 Permit – Expiration. Every permit issued pursuant to this chapter shall expire by limitation and become null and void if the work authorized by such permit is not completed within sixty days of the date of issuance. Before such work can be recommenced, a new permit shall be first obtained to do so and a new fee paid therefor. (Ord. 1322, 1976)

12.20.180 Inspection – Required. All work done pursuant to this chapter shall be inspected by the Director of Public Works or his designee, to assure compliance with all requirements of this chapter. (Ord. 1322, 1976)

12.20.190 Inspection – Notification of Readiness Required. It shall be the duty of the person doing the work authorized by the permit to notify the Director of Public Works, orally or in writing, that the work is ready for inspection. Such notification shall be given not less than twenty-four hours before the work is to be inspected. (Ord. 1322, 1976)

12.20.200 Director of Public Works to be Administrative Authority – Powers and Duties. The Director of Public Works of the City of Snohomish, or his designee, shall be the authority empowered and responsible for the administration of this chapter; he shall perform the following duties:

- A. Require submission of, examine, and check plans and specifications, drawings, descriptions, and/or diagrams necessary to show clearly the character and kind and extent of work covered by applications for a permit, and upon approval thereof, shall issue the permit applied for;
- B. Keep a permanent accurate account of all fees for permits issued and other moneys collected and received as provided by this code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location or premises to which they relate;
- C. Administer and enforce the provisions of this code in a manner consistent with the intent thereof; for such purposes he shall have the powers of a police officer. He shall inspect or cause to be inspected all sidewalk construction, improvement, and repair work authorized by any permit to assure compliance with provisions of this code and amendments thereto, approving or condemning said work in whole or in part as conditions require;
- D. Issue upon request a certificate of approval for any work approved by him;
- E. Condemn and reject all work done or being done or materials used or being used which do not, in all respects, comply with the provisions of this code and amendments thereto;
- F. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this code;
- G. Investigate any construction or work regulated by this code and issue such notices and orders as provided in this code;

- H. Keep a completed record of all essential transactions of his office;
- I. Transfer all fees collected by him to the proper authority provided by law to receive such funds. (Ord. 1322, 1976)