

ORDINANCE NO. 2705

AN ORDINANCE AMENDING CHAPTER 12.12 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "SIDEWALK CONSTRUCTION"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 12.12 of the Moses Lake Municipal Code entitled "Sidewalk Construction" is amended as follows:

12.12.010 Sidewalk Requirements:

- A. Sidewalks shall be constructed whenever new curb is constructed. All municipal sidewalks shall be constructed of natural colored Portland cement concrete in accordance with the *Community Street and Utility Standards*, except that sidewalks in the Paver District shall be constructed of concrete brick pavers in accordance with plans approved by the Municipal Services Department. Municipal sidewalks in all residential zones shall be constructed adjacent to a five foot (5') wide or greater planter area; however, in existing developed residential areas, reconstruction of sidewalks shall match existing sidewalk improvements. The landscaping in the planter areas shall be in accordance with Moses Lake Municipal Code 18.75. The sidewalks within the Paver District shall be constructed for the full area between the back-of-curb and the right-of-way line.
- B. Sidewalks shall be constructed so as to avoid all physical obstructions. However, the Municipal Services Director may allow trash receptacles, utility poles, fire hydrants, tree wells, trees, traffic signal controllers, etc. to be installed in the sidewalk areas that are within the Paver District and commercial zones. In all cases, sidewalks shall be constructed to provide at least five feet (5') of clearance from all obstructions.
- C. Owners in the Paver District may place items such as small tables, chairs, flower pots, and benches on the first three-foot (3') area of their abutting sidewalk as measured from the property line, but said sidewalks shall be nine feet (9') wide or greater and shall provide at least five feet (5') of clearance for clear passage. Advertisements, signs, and similar items are not permitted with this authorization.

12.12.015 Activity Trail Specifications: Activity trails shall be installed along routes as directed or approved by City Council. Activity trails shall be constructed in accordance with the plans that are approved by the Municipal Services Director. Construction shall be consistent with requirements of the *Community Street and Utility Standards* with the exception that activity trails in the Paver District shall be constructed with concrete brick pavers per Section 12.12.010 of the Moses Lake Municipal Code.

12.12.020 Curb Requirements: All curbs shall be constructed of natural colored Portland cement concrete and shall be constructed in accordance with the *Community Street and Utility Standards*; however, in existing developed areas, curb replacement shall be constructed in accordance with existing curb improvements.

12.12.030 Rolled Curb: Rolled curb is not allowed on new streets. Rolled curb may only be installed to replace existing rolled curb.

12.12.060 Duty to Maintain and Service Sidewalks:

- A. The owner or occupier of property that abuts sidewalks or abuts dedicated city right-of-way or deeded city property adjacent to sidewalks shall bear the duty and expense of maintaining and servicing sidewalks in a good state of repair, free from obstructions, and in a clean condition. However, the city shall bear the duty and expense to repair sidewalks in the Paver District that

are constructed with concrete brick pavers, and all sidewalks that were constructed of concrete brick pavers through city participation. For sidewalks to be in a good state of repair, the sidewalks shall not have any vertical differences of one inch (1") or greater; and they shall not have any contiguous areas of spalling greater than four (4) square feet. Exposed aggregate in existing sidewalks shall be considered spalling when the surface wear measures one-quarter inch (1/4") or greater in differential elevation.

- B. The city may participate in sidewalk repairs for sidewalks that are wider than six feet (6'). Such participation may be made for sidewalk repairs that are within the right-of-way and that are beyond the first six feet (6') of sidewalk nearest to the curb. Such participation is valid only if the city has provided written pre-approval for the sidewalk repairs. When the city agrees to participate with sidewalk repairs for over-width sidewalks, the owner will pay the contractor for the full repairs; and the city will make payment directly to the owner for pre-approved sidewalk repairs after the owner has provided a paid invoice from their contractor.
- C. Chapter 12.20 of the Moses Lake Municipal Code provides requirements for sidewalk service requirements.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on February 25, 2014.

  
Dick Deane, Mayor

ATTEST:

  
W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

  
Katherine L. Kenison, City Attorney