

ORDINANCE NO. 42-20

AN ORDINANCE of the City of Richland amending Chapter 12.16 of the Richland Municipal Code related to cleaning and maintenance of sidewalks and property within the public rights-of-way.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code to bring it into alignment with current practices; and

WHEREAS, for many years, the City has offered a rebate program intended to incentivize owners of single family residences to proactively remove and replace sidewalk to correct unsafe conditions; and

WHEREAS, the City's best interests are served by codifying the program to give it visibility, and to establish the City's authority to expend budget funds in this manner.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 12.16 of the Richland Municipal Code, entitled Cleaning and Maintenance of Sidewalks and Property within Public Rights-of-Way, as first enacted by Ordinance No. 157, and last amended by Ordinance No. 13-14, is amended to add a new section as follows:

**Chapter 12.16
CLEANING AND MAINTENANCE OF SIDEWALKS AND PROPERTY WITHIN
PUBLIC RIGHTS-OF-WAY**

Sections:

- 12.16.010 Keeping sidewalks and rights-of-way clean and maintained.**
- 12.16.015 Sidewalk Rebate Program.**
- 12.16.020 Snow and ice removal.**
- 12.16.030 Violations – Penalties.**

12.16.010 Keeping sidewalks and rights-of-way clean and maintained.

It shall be the duty of every person or entity having charge or control of any premises within the city to keep the public sidewalks or sidewalks along such property in the street or streets adjacent thereto cleaned and maintained in a reasonable and safe condition. Maintenance of the sidewalk shall include correction of any unsafe condition that impairs the use of the sidewalks by pedestrians, up to and including removal and replacement of the sidewalk. It shall also be the duty of every person or entity having charge or control of property in the city to maintain the planting strip or public right-of-way fronting or adjoining their property, including alleys. No person or entity having charge or control of any property in the city may allow a public sidewalk, planting strip, or public right-of-way fronting or adjoining their property to fall into disrepair or become weed-infested, dangerous, or noncompliant with city nuisance code. The area of responsibility shall be

between the existing curb lines, edge of maintained asphalt pavement, or edge of city-maintained gravel shoulder, whichever is applicable, and a given property line. Exception shall exist only where a city-maintained and irrigated landscape strip exists, or where an agreement between the city and the property owner indicates the maintenance of the property frontage is the responsibility of the city. For purposes of this section, "planting strip" shall be defined as provided in RMC 22.14.020.

12.16.015 Sidewalk rebate program.

A. Persons or entities having charge or control over single family residential properties completing removal and replacement of sidewalks to correct an unsafe condition may qualify for a partial rebate of up to 25% of the cost of the work. To qualify, the following criteria must be met:

1. Adequate funding must be available in the City's Streets Fund budget;
2. The unsafe condition must be confirmed by the Public Works Director or designee;
3. The applicant must obtain a right-of-way construction permit in accordance with Chapter 12.08 RMC;
4. The scope of removal and replacement must be limited to the work necessary to correct the unsafe condition, as determined by the Public Works Director or designee;
5. The applicant must complete the work in compliance with the permit requirements, including all inspections;
6. The applicant must submit adequate documentation of actual expenses to complete the work, which expenses must be reasonable as determined by the Public Works Director or designee;

B. The rebate is limited to 25% of the expenses approved by the Public Works Director, including construction expenses and permit fees.

C. The sidewalk rebate program does not create a substantive right, and the Public Works Director's decision to deny all or a portion of the rebate is not subject to appeal.

12.16.020 Snow and ice removal.

It shall be the duty of every person or entity having charge or control of any premises located within the city to remove or cause to be removed from the public sidewalk or sidewalks along said property in the street or streets adjacent thereto all snow or ice which has been deposited or formed thereon within a reasonable time after the snow or ice have been deposited or formed.

12.16.030 Violations – Penalties.

Any person or entity in violation of any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

Each day's violation of any provision of this chapter shall constitute a separate offense and shall subject the offender to the above penalties for each offense.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of November, 2020.



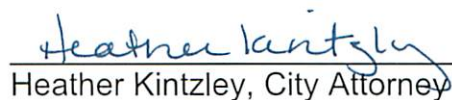
Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Date Published: November 8, 2020