

CHAPTER 37.

(H. B. No. 150)

RELATIVE TO MAINTENANCE, REPAIR AND RENEWAL OF
SIDEWALKS IN CITIES FROM FIRST TO FOURTH CLASS,
INCLUSIVE.

AN ACT relating to maintenance, repair and renewal of sidewalks in cities of the first, second, third and fourth class, and other cities and towns of equal population working under special charters, and providing for the payment thereof by the owners of abutting property.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That whenever any street, lane, square, place or alley in any city of the first, second, third or fourth class or other cities and towns of equal population working under special charters, now or hereafter legally organized in this State shall have been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense or 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. Whenever in the judgment of that officer or department of any such city who, or which is or shall be, charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys in such city, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the said 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 said 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 non-resident by mailing a copy to his last known address, or if the owner of the property be unknown or if his address be unknown then such notice shall be addressed to the general delivery office of the city wherein the improvement is to be made. Such notice

Cost attaches
to abutting
property.

Notice to re-
pair or renew.

Notice, what
to specify.

shall specify a reasonable time within which such cleaning, repairs or renewal shall be executed by the said owner, and shall state that in case the said owner shall fail to do such cleaning or to make such repairs or renewal within the time therein specified then the said 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 or repair and the name of the owner, if known, and that the council will hear any or all protests against the proposed assessment.

Assessment
by council of
costs.

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. For the purposes of this act 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 act for all costs of maintenance, repairs or renewal of any form of sidewalk improvement between the said street margin and the roadway lying in front of and adjacent to said property, and the term sidewalk, as intended for the purposes of this act, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and the roadway.

What deemed
abutting
property.

SEC. 2. Nothing in this act shall be construed to limit or repeal any existing powers of cities or towns with reference to the improvement or maintenance of sidewalks, streets, lanes, places, squares or alleys, but the power and authority herein granted is to be exercised concurrent with or in extension of the powers and authority now existing. The legislative authority of any city before exercising the powers and authority herein granted shall, by proper ordinance, provide for the application and enforcement of the same within the limitations herein specified.

Passed the House February 7, 1905.

Passed the Senate February 16, 1905.

Approved by the Governor February 24, 1905.