

Ordinance No. 45712

Relating to, and providing for, the maintenance, clearing, cleaning, repair and renewal of sidewalks at the expense of abutting property, and repealing Ordinance 36160.

Council Bill No. 35468

INTRODUCED: SEP 4 1923	BY: CARROLL
REFERRED: SEP 4 1923	TO: STREETS & SEWERS
REFERRED:	FINANCE
REPORTED: SEP 10 1923	VETO:
SECOND READING: SEP 10 1923	PUBLISHED:
THIRD READING: SEP 10 1923	VETO SUSTAINED:
SIGNED: SEP 10 1923	PASSED OVER VETO:
PRESENTED TO MAYOR: SEP 10 1923	APPROVED: SEP 17 1923
FILED: SEP 17 1923	PUBLISHED: SEP 27 1923
ENGROSSED:	BY: LAB
VOL. 21 PAGE 62	
COMPARED BY:	AND

Form I. 1-17-10M L. & H. 65075

*Ord. 65488 - cost + reconstruction sidewalk 4 feet of cost by owner
Repeal 65605 - reconstruction sidewalk from owners in first article*

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*Ord 65480 - cost of reconstruction sidewalks & part of cost by owner
Reason 65606 - 2nd & 3rd from owner in part with*

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Be it ordained by The City of Seattle as follows:

Section 1. That whenever, in the judgment of the Board of Public Works, the condition of any sidewalk, or any portion thereof, in the City of Seattle, is such as to render the same unfit or unsafe for purposes of public travel, or require clearing, cleaning, repair or renewal, said Board is hereby authorized, empowered and directed to serve upon the owner of the property immediately abutting upon said sidewalk, a notice advising such owner of the condition thereof and instructing him to clear, clean, repair or renew the same.

Section 2. The notice hereinabove provided for shall specify a reasonable time, to be stated therein, within which such clearing, cleaning, repair or renewal shall be done, and shall state that in case the said owner shall fail to do such clearing or cleaning or to make such repairs or renewal within the time therein specified, the said Board of Public Works will clear or clean said walk or make such repairs or renewal forthwith, and will report to the City Council of the City of Seattle at its 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.

Section 3. The notice hereinabove provided for shall be served by delivering the same 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 his address be unknown, such notice shall be mailed in the U. S. Post Office, addressed to such owner in care of General Delivery.

Section 4. In case any property owner fails or neglects to clear, clean, repair or renew said sidewalk, or any portion thereof, in accordance with the requirements of the notice hereinabove provided for, the Board of Public Works shall cause such sidewalk to be cleared, cleaned, repaired or renewed, and thereupon shall report to the City Council an assessment roll showing the lot or parcel of land immediately abutting upon the portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known.

Section 5. At the time designated in the notice hereinabove provided for, or the time to which the hearing upon said roll may be adjourned, the City Council, by ordinance, shall modify or confirm such assessment roll and shall assess the cost of such improvement against such abutting property in accordance with the benefits derived therefrom, which assessment shall become a lien upon such property and shall be collected in the manner provided by law or ordinance for the collection of local improvement assessments.

Section 6. That Ordinance No. 36160, entitled:

"An Ordinance authorizing, empowering and directing the Board of Public Works of The City of Seattle to compel the owner of the property immediately abutting upon any sidewalk in the City of Seattle which may or shall become in such a condition as to render the same

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Section 2. The notice hereinabove provided for shall specify a reasonable time, to be stated therein, within which such clearing, cleaning, repair or renewal shall be done, and shall state that in case the said owner shall fail to do such clearing or cleaning or to make such repairs or renewal within the time therein specified, the said Board of Public Works will clear or clean said walk or make such repairs or renewal forthwith, and will report to the City Council of the City of Seattle 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.

Section 3. The notice hereinabove provided for shall be served by delivering the same 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 his address be unknown, such notice shall be mailed in the U. S. Post Office, addressed to such owner in care of General Delivery.

Section 4. In case any property owner fails or neglects to clear, clean, repair or renew said sidewalk, or any portion thereof, in accordance with the requirements of the notice hereinabove provided for, the Board of Public Works shall cause such sidewalk to be cleared, cleaned, repaired or renewed, and thereupon shall report to the City Council an assessment roll showing the lot or parcel of land immediately abutting upon the portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known.

Section 5. At the time designated in the notice hereinabove provided for, or the time to which the hearing upon said roll may be adjourned, the City Council, by ordinance, shall modify or confirm such assessment roll and shall assess the cost of such improvement against such abutting property in accordance with the benefits derived therefrom, which assessment shall become a lien upon such property and shall be collected in the manner provided by law or ordinance for the collection of local improvement assessments.

Section 6. That Ordinance No. 36160, entitled:

"An Ordinance authorizing, empowering and directing the Board of Public Works of The City of Seattle to compel the owner of the property immediately abutting upon any sidewalk in the City of Seattle which may or shall become in such a condition as to render the same

(To be used for all Ordinances except Emergency)

unfit or unsafe for public travel, to renew or repair the same, and authorizing the Board of Public Works, in case the owner fails to make such renewal or repairs, to renew or repair the same at the expense of said owner, and to charge said expense a lien upon said property, and accepting the powers conferred upon the City of Seattle by Chapter 97 of the Laws of 1905 of the Legislature of the State of Washington, and declaring an emergency".

be, and the same hereby is repealed.

Section 7. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed the City Council the 10 day of 1923 and signed by me in open session in authentication of its passage this 16 day of 1923

President of the City Council.

Approved by me this 17 day of 1923 Mayor

Filed by me this 17 day of 1923

Attest: City Comptroller and Ex-Officio City Clerk.

By Deputy Clerk.

City Comptroller and Ex-Officio City Clerk.

By Deputy Clerk.

[SEAL]

Published.

THE CITY OF SEATTLE

DEPARTMENT OF STREETS AND SEWERS

W. D. BARKHUFF, SUPERINTENDENT

September 1, 1923.

RE: Proposed ordinance - removal of earth
from sidewalks at expense of abutting
property -

Major Carroll,
County-City Bldg., City

Dear Sir:

We are forwarding herewith a draft of an ordinance prepared by the Corporation Counsel at our request, which takes the place of ordinance 38160, which ordinance the Corporation Counsel has heretofore held to be defective.

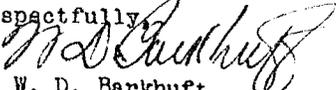
Upon the passage of this ordinance this department will be empowered to request property owners to remove surplus earth from sidewalk areas where the earth has fallen or been placed upon such sidewalk or street area from the adjoining property.

The ordinance, if passed, will also permit us to compel property owners to repair concrete walks in front of their respective premises and, upon the failure of the property owners so to do, the City of Seattle will be permitted to remove such earth or debris, repair the walks in question and assess the cost of the same against such abutting property.

We have long realized that our hands were tied in matters of this kind, because of our inability to enforce our legitimate requests in matters of this kind, but with the passage of this ordinance, this difficulty will be overcome. We are therefore requesting that you introduce this ordinance should the same meet with your approval.

We are enclosing a copy of the letter the Corporation Counsel forwarded us with this ordinance.

Respectfully


W. D. Barkhuff,
Supt. of Streets & Sewers

GWF/ACS

ENC.

COPY September 1-23

THE CITY OF SEATTLE

LAW DEPARTMENT

July 11, 1923.

Re: Removal of earth from sidewalks
at expense of abutting property.

Mr. W. D. Barkhuff,
Superintendent of Streets and Sewers,
Seattle, Washington.

Dear Sir:

In conformity with your request, we have prepared and transmit herewith, draft of an ordinance providing for the maintenance, clearing, cleaning, repair and renewal of sidewalks at the expense of abutting property, pursuant to the provisions of Sections 7872 and 7873, Rem. 1915 Code, to take the place of ordinance No. 36160, which we have heretofore held to be defective, in that it does not conform to the requirements of the statute.

Yours very truly,

THOMAS J. L. KENNEDY,
Corporation Counsel.

By Edwin C. Ewing, Assistant.

enc.

ECE:F

COPY - - PROOFED AS TO TEXT

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Section 7. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed the City Council the 10 day of SEPTEMBER 1923 and signed by me in open session in authentication of its passage this 10 day of SEPTEMBER, 1923.

S/ C. B. FITZGERALD
President of the City Council

Approved by me this 17 day of SEPTEMBER 1923

S/ EDWIN J. BROWN
Mayor

Filed by me this 17 day of SEPTEMBER 1923.

Attest: S/ H. W. CARROLL
City Controller & Ex-Officio City Clerk

[SEAL]

By S/ _____
Deputy Clerk

Published SEP. 27, 1923

S/ H. W. CARROLL
City Controller & Ex-Officio City Clerk

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