

ORDINANCE NO. 4851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG,  
WASHINGTON, RELATING TO TITLE 4 “PUBLIC WORKS” AND AMENDING  
SECTIONS 4.14.020 AND 4.14.120 OF THE ELLENSBURG CITY CODE.

WHEREAS, the proposed change to section 4.14.120 (C) would allow for the City of Ellensburg (“City”) to participate in sidewalk repairs for commercial and industrial properties, as budget allows;

WHEREAS, with the completion and acceptance of the City’s Americans With Disabilities (“ADA”) Transition plan update, ECC 4.14.120(G) was revised to include the accepted plan as a criteria for the Public Works and Utilities Director to prioritize repairs;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington, do hereby ordain as follows:

**Section 1. Section 4.14.020 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 3066, is hereby amended to read as follows:**

**4.14.020 General specifications.**

All sidewalks, curbs and gutters hereafter constructed in the city of Ellensburg shall be constructed or reconstructed in accordance with ~~Division 8 of the Standard Specifications provided for in ECC 4.04.020 the Public Works Development Standards, as outlined in Chapter 4.04 ECC~~, except as modified herein. [Ord. 3066 § 3, 1975; Ord. 2920 § 3, 1972; Ord. 2844, 1970.]

**Section 2. Section 4.14.120 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:**

**4.14.120 Maintenance of sidewalks and driveways.**

A. Hazardous Sidewalks. It is unlawful for any person, persons, firm or corporation to keep or retain a public sidewalk or driveway area fronting his property which is in a state of disrepair and dangerous for use by the public.

B. Method of Repair. Repairs shall consist of removing complete slabs, sections or squares of sidewalk which are broken, spalled, raised and/or otherwise damaged, and replacing them with new cement, concrete or concrete paving stones. Removal of only portions of damaged sidewalk slabs, sections or squares shall not be permitted.

C. Cost Sharing. City participation in cost sharing for sidewalk repairs is dependent on available budget and approval of the Public Works and Utilities Director. When sidewalks are ordered to be repaired or replaced or when property owners at their own initiative request repairs,

the city shall participate with the property owner in the expense of repair or replacement as follows:

Area	City Participation	Property Owner Participation
Residential Property	100%	0%
Public Reserve Zone	0%	100%
Commercial and Industrial Property	0 <u>50</u> %	100 <u>50</u> % <sup>4</sup>
Paver Stone District	100% <sup>1</sup>	0% <sup>1</sup>
	25% <sup>2</sup>	75% <sup>2</sup>
	0% <sup>3</sup>	100% <sup>3</sup>

<sup>1</sup>Applies to areas with existing concrete paving stones or fired clay pavers which are repaired.

<sup>2</sup>Applies to areas with existing concrete sidewalks which, because of their condition, are extensively reconstructed with concrete paving stones.

<sup>3</sup>Applies to areas with existing concrete sidewalks which, because of their condition, are extensively reconstructed with concrete.

<sup>4</sup>~~Commercial/industrial property owners wishing to complete repairs may petition the public works and utilities director to participate in the city's annual repair contract at their own expense in order to access the project unit bid prices and secure removal of damaged sidewalk by city forces and roadway patching at no additional cost.~~

D. The property owner shall not be required to repair or replace those slabs, sections or squares damaged by the city in the course of installation of utilities, plantings or signs.

E. For purposes of subsection (C) of this section, the references to zones are those zones contained in the city of Ellensburg's zoning ordinance, except for the paver stone district, which refers to properties fronting the following specific streets:

Street	From	To
Pearl	Second	Sixth
Pine	Second	Sixth
Main	Second	Sixth
Ruby	Second	Sixth
Third	Depot	Ruby
Fourth	Water	Ruby
Fifth	Water	Ruby
Sixth	Water	Ruby

F. Sidewalk repairs within the paver stone district as defined in this section shall be made with concrete paving stones wherever concrete paving stones or clay paver bricks exist. In areas of existing concrete sidewalk, the director of public works and utilities shall first review the work and then report to the city council on the recommended method of repairs. Whenever possible, concrete paving stones should be used. The city council, after review, shall determine the method and extent of repairs to be undertaken.

G. The director of public works and utilities shall prioritize the repairs to ensure that the most needed repairs are accomplished first. The director of public works and utilities shall take into consideration the following when prioritizing the city's repairs:

1. The volume of pedestrian traffic; and
2. The usage of the sidewalk by senior citizens; and
3. Recommendations/guidance from the City's most current ADA Transition Plan.

H. Repair work in excess of budgeted funds may, at the option of the property owner, be completed at the property owner's sole expense or the property owner may elect to have the work carried over until the next year, at which time it will again be prioritized against all available funds and projects. The property owner's responsibility for the repair of sidewalks shall not in any way be diminished by reason of said sidewalk not attaining priority under the city's prioritization.

I. To qualify for city participation, the work shall be under the control and supervision of the director of public works and utilities. The director of public works and utilities shall work with the property owner to ensure that the best product is achieved at the most economical price. [Ord. 4804 § 4, 2018; Ord. 4605 § 1, 2011; Ord. 3618 § 1, 1988.]

**Section 3. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 4. Corrections.** Upon the approval of the City Attorney, 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/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Effective Date.** This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 1<sup>st</sup> day of June, 2020.

ATTEST:

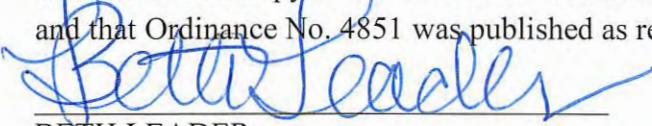
  
MAYOR  
Beth Leader  
CITY CLERK

Approved as to form:

  
CITY ATTORNEY

Publish: 6-4-2020

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4851 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4851 was published as required by law.

  
BETH LEADER