

Chapter 35.70 RCW
SIDEWALKS—CONSTRUCTION IN SECOND-CLASS CITIES AND TOWNS

Sections

- 35.70.010 Definitions.
- 35.70.020 Owners' responsibility.
- 35.70.030 Convenience and necessity reported by superintendent.
- 35.70.040 Council's resolution and notice—Adoption.
- 35.70.050 Council's resolution and notice—Contents.
- 35.70.060 Notice of resolution and order—Service.
- 35.70.070 Superintendent to construct and prepare assessment roll.
- 35.70.080 Hearing on assessment roll—Notice.
- 35.70.090 Lien of assessments and foreclosure.
- 35.70.100 Provisions of chapter not exclusive.

Assessments and charges against state lands: Chapter 79.44 RCW.

RCW 35.70.010 Definitions. For the purposes of this chapter all property having a frontage on the side or margin of any street shall be deemed abutting property, and such property shall be chargeable, as provided in this chapter, with all costs of construction of any form of sidewalk improvement, between the margin of the street, as defined by a curb or the edge of the traveled road surface, and the line where the public right-of-way meets the abutting property, and the term sidewalk as used in this chapter shall be construed to mean and include any and all pedestrian structures or forms of improvement for pedestrians included in the space between the street margin, as defined by a curb or the edge of the traveled road surface, and the line where the public right-of-way meets the abutting property. [1996 c 19 § 4; 1965 c 7 § 35.70.010. Prior: 1915 c 149 § 7; RRS § 9161.]

RCW 35.70.020 Owners' responsibility. In all cities of the second class and towns the burden and expense of constructing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon. The cost of reconstructing or repairing existing sidewalks may devolve upon the abutting property subject to the limitations in RCW 35.69.020 (2) and (3). [1996 c 19 § 5; 1994 c 81 § 62; 1965 c 7 § 35.70.020. Prior: 1915 c 149 § 1; RRS § 9155.]

RCW 35.70.030 Convenience and necessity reported by superintendent. If in the judgment of the officer or department having superintendence of streets and public places, public convenience or safety requires that a sidewalk be constructed along either side of any street, he or she shall report the fact to the city or town council immediately. [2009 c 549 § 2119; 1965 c 7 § 35.70.030. Prior: 1915 c 149 § 2, part; RRS § 9156, part.]

RCW 35.70.040 Council's resolution and notice—Adoption. If upon receiving a report from the proper officer, the city or town council deems the construction of the proposed sidewalk necessary or convenient for the public it shall by an appropriate resolution order

the sidewalk constructed and shall cause a written notice to be served upon the owner of each parcel of land abutting upon that portion and side of the street where the sidewalk is constructed requiring him or her to construct the sidewalk in accordance with the resolution. [2009 c 549 § 2120; 1965 c 7 § 35.70.040. Prior: 1915 c 149 § 2, part; RRS § 9156, part.]

RCW 35.70.050 Council's resolution and notice—Contents. The resolution and notice and order to construct a sidewalk shall:

- (1) Describe each parcel of land abutting upon that portion and side of the street where the sidewalk is ordered to be constructed,
- (2) Specify the kind of sidewalk required, its size and dimensions, the method and material to be used in construction,
- (3) Contain an estimate of the cost thereof, and
- (4) State that unless the sidewalk is constructed in compliance with the notice, and within a reasonable time therein specified, the city or town will construct the sidewalk and assess the cost and expense thereof against the abutting property described in the notice. [1965 c 7 § 35.70.050. Prior: 1915 c 149 § 3; RRS § 9157.]

RCW 35.70.060 Notice of resolution and order—Service. The notice shall be served:

- (1) By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners, or
- (2) By leaving a copy thereof at the usual place of abode of the owner in the city or town with a person of suitable age and discretion residing therein, or
- (3) If the owner is a nonresident of the city or town and his or her place of residence is known by mailing a copy to the owner addressed to his or her last known place of residence, or
- (4) If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in the official newspaper of the city or town once a week for two consecutive weeks. The notice shall specify a reasonable time within which the sidewalk shall be constructed which in the case of publication of the notice shall not be less than sixty days from the date of the first publication of such notice. [2009 c 549 § 2121; 1985 c 469 § 36; 1965 c 7 § 35.70.060. Prior: 1915 c 149 § 4; RRS § 9158.]

RCW 35.70.070 Superintendent to construct and prepare assessment roll. If the notice and order to construct a sidewalk is not complied with within the time therein specified, the officer or department having the superintendence of streets shall proceed to construct said sidewalk forthwith and shall report to the city or town council at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof if known, and apportion the cost of said improvement to be assessed against each parcel of such land. [1965 c 7 § 35.70.070. Prior: 1915 c 149 § 5, part; RRS § 9159, part.]

RCW 35.70.080 Hearing on assessment roll—Notice. Thereupon the city or town council shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of the hearing to be published once a week for two successive weeks in the official newspaper of the city or town, the date of the hearing to be not less than thirty days from the date of the first publication of the notice. At the hearing or at any adjournment thereof the council by ordinance shall assess the cost of constructing the sidewalk against the abutting property in accordance with the benefits thereto. [1985 c 469 § 39; 1965 c 7 § 35.70.080. Prior: (i) 1915 c 149 § 5, part; RRS § 9159, part. (ii) 1915 c 149 § 6, part; RRS § 9160, part.]

RCW 35.70.090 Lien of assessments and foreclosure. The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six percent per annum from the date of the approval of said assessment thereon. [1965 c 7 § 35.70.090. Prior: 1915 c 149 § 6, part; RRS § 9160, part.]

Collection and foreclosure of local improvement assessments: Chapters 35.49, 35.50 RCW.

RCW 35.70.100 Provisions of chapter not exclusive. This chapter shall not be construed as repealing or amending any provision relating to the improvement of streets or public places by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and auxiliary thereto and the city or town council, of any city of the second class or town before exercising the authority herein granted may by ordinance provide for the application and enforcement of the provisions of this chapter within the limitations herein specified. [1994 c 81 § 63; 1965 c 7 § 35.70.100. Prior: 1915 c 149 § 8; RRS § 9162.]