
SUBSTITUTE SENATE BILL 6093

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Sheldon, Winsley, Drew, Owen, Prentice and Quigley)

Read first time 1/24/96.

1 AN ACT Relating to sidewalk reconstruction; and amending RCW
2 35.68.010, 35.69.010, 35.69.020, 35.70.010, and 35.70.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.68.010 and 1965 c 7 s 35.68.010 are each amended to
5 read as follows:

6 Any city or town, hereinafter referred to as city, is authorized to
7 construct, reconstruct, and repair sidewalks, gutters and curbs along
8 and driveways across sidewalks, which work is hereafter referred to as
9 the improvement, and to pay the costs thereof from any available funds,
10 or to require the abutting property owner to construct the improvement
11 at ~~((his))~~ the owner's own cost or expense, or, subject to the
12 limitations in RCW 35.69.020 (2) and (3), to assess all or any portion
13 of the costs thereof against the abutting property owner.

14 **Sec. 2.** RCW 35.69.010 and 1994 c 81 s 61 are each amended to read
15 as follows:

16 The term "street" as used herein includes boulevard, avenue,
17 street, alley, way, lane, square or place.

1 The term "city" includes any city of the first or second class or
2 any other city of equal population working under a special charter.

3 The term "sidewalk" includes any and all pedestrian structures or
4 forms of (~~street~~) improvement for pedestrians included in the space
5 between the street margin, as defined by a curb or the edge of the
6 traveled road surface, and the (~~roadway~~) line where the public right
7 of way meets the abutting property.

8 **Sec. 3.** RCW 35.69.020 and 1965 c 7 s 35.69.020 are each amended to
9 read as follows:

10 (1) Whenever a portion, not longer than one block in length, of any
11 street in any city is not improved by the construction of a sidewalk
12 thereon, or the sidewalk thereon has become unfit or unsafe for
13 purposes of public travel, and such street adjacent to both ends of
14 said portion is so improved and in good repair, and the city council of
15 such city by resolution finds that the improvement of such portion of
16 such street by the construction or reconstruction of a sidewalk thereon
17 is necessary for the public safety and convenience, the duty, burden,
18 and expense of constructing or reconstructing such sidewalk shall
19 devolve upon the property directly abutting upon such portion(~~(+~~
20 ~~PROVIDED, That such~~)) except as provided in subsections (2) and (3) of
21 this section.

22 (2) An abutting property shall not be charged with any costs of
23 construction or reconstruction under this chapter, or under chapter
24 35.68 or 35.70 RCW, in excess of fifty percent of the valuation of such
25 abutting property, exclusive of improvements thereon, according to the
26 valuation last placed upon it for purposes of general taxation.

27 (3) An abutting property shall not be charged with any costs of
28 reconstruction under this chapter, or under chapter 35.68 or 35.70 RCW,
29 if the reconstruction is required to correct deterioration of or damage
30 to the sidewalk that is the direct result of actions by the city or its
31 agents or to correct deterioration of or damage to the sidewalk that is
32 the direct result of the failure of the city to enforce its ordinances.
33 For purposes of this subsection, the burden of proof regarding the
34 cause of damage is on the abutting property owner.

35 **Sec. 4.** RCW 35.70.010 and 1965 c 7 s 35.70.010 are each amended to
36 read as follows:

1 For the purposes of this chapter all property having a frontage on
2 the side or margin of any street (~~((or other public place))~~) shall be
3 deemed abutting property, and such property shall be chargeable, as
4 provided in this chapter, with all costs of construction of any form of
5 sidewalk improvement, between the margin of (~~((said))~~) the street (~~((or~~
6 ~~other public place))~~), as defined by a curb or the edge of the traveled
7 road surface, and the (~~((roadway lying in front of and adjacent to~~
8 ~~said))~~) line where the public right of way meets the abutting property,
9 and the term sidewalk as used in this chapter shall be construed to
10 mean and include any and all pedestrian structures or forms of
11 improvement for pedestrians included in the space between the street
12 margin, as defined by a curb or the edge of the traveled road surface,
13 and the (~~((roadway known as the sidewalk area))~~) line where the public
14 right of way meets the abutting property.

15 **Sec. 5.** RCW 35.70.020 and 1994 c 81 s 62 are each amended to read
16 as follows:

17 In all cities of the second class and towns the burden and expense
18 of constructing sidewalks along the side of any street or other public
19 place shall devolve upon and be borne by the property directly abutting
20 thereon. The cost of reconstructing or repairing existing sidewalks
21 may devolve upon the abutting property subject to the limitations in
22 RCW 35.69.020 (2) and (3).

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