

# CITY OF ORTING WASHINGTON

ORDINANCE NO. 2021-1084

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO SIDEWALKS;  
AMENDING ORTING MUNICIPAL CODE 8-2;  
PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, cities are authorized to protect the public health, safety, and welfare of their communities; and

**WHEREAS**, cities are authorized under state law to make and enforce by appropriate ordinances all such police and human health regulations that are not in conflict with state law; and

**WHEREAS**, the City of Orting wishes to amend and establish regulations related to the construction and maintenance of sidewalks for public benefit.

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

Section 1. OMC 8-2-4 Sidewalk Construction Requirements. Orting Municipal Code 8-2-4 “O” and “P” is hereby added to read as follows:

- O. It is unlawful for any person to ~~drive or propel any motor vehicle along, over or across any sidewalk or curb within the city, or to tear up, break or remove any sidewalk, gutter, or curb, or part thereof, except for the purpose of repairing or replacing the same; or to place, maintain or permit any obstruction on, under, over or across any sidewalk, which restricts or impairs the full and free use thereof by the public unless said obstruction is expressly permitted by the city in accord with the municipal code; or to create, cause, maintain or permit any condition to exist which renders any sidewalk curb, parking strip or driveway across any sidewalk unfit or unsafe for the use by the general public.~~
  
- P. It shall be the duty of the owner or occupant of abutting property to keep the sidewalk, curb, gutter, parking strip and any driveway access the same in good repair at the owner’s own expense, and to remove or correct any condition which renders any such sidewalk, curb, gutter, parking strip or

driveway unsafe or unfit for use, including snow, ice, or obstruction of any kind, natural or artificial.

Section 2. OMC 8-2-5 Replacement or Repair of Existing Sidewalks. Orting Municipal Code 8-2-4 "B" is hereby amended to read as follows:

- B. The surface of the sidewalk has settled, raised or shifted out of line more than two inches (2") from the adjacent sections or adjoining sections jut above each other more than one-halfquarter inch (1/24");

Section 3. OMC 8-2-7 Notification to Repair Sidewalk; Action on Failure to Repair. Orting Municipal Code 8-2-4 is hereby amended to read as follows:

- A. Notify Property Owner: The building inspector, upon determining a sidewalk is in need of repair as defined by this chapter, shall notify the property owner in writing to repair the same within one hundred twenty (120) days of date of such notice. Property Owner can submit a request for extension in writing to the City Administrator for an additional 60 days.
- B. Repair By City; Assessment Of Costs: If a property owner fails to accomplish the repairs within the time specified, or any extensions of such date granted by the city ~~council~~Administrator, then the city may accomplish the necessary repairs and assess the costs thereof against the property abutting such repaired sidewalk. Such assessment may be collected in any manner provided by law. (1973 Code § 12.04.210)

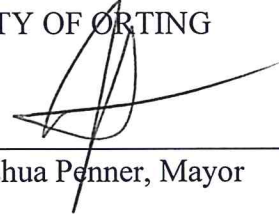
Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

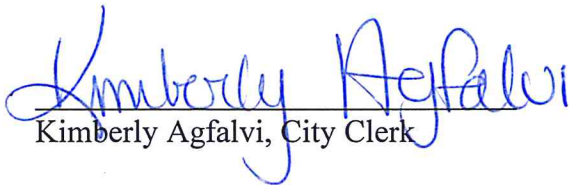
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE  
26<sup>th</sup> DAY OF January, 2022.

CITY OF ORTING



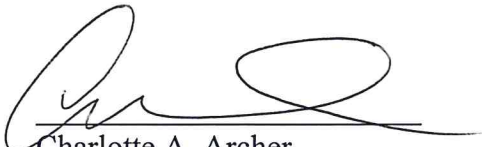
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Kimberly Agfalvi, City Clerk

Approved as to form:



Charlotte A. Archer  
Inslee Best  
City Attorney

Filed with the City Clerk: 10.21.2021  
Passed by the City Council: 1.20.2022  
Ordinance No. 2021-1084  
Date of Publication: 1.31.2022  
Effective Date: 2.4.2022