

**TITLE 7**

**PUBLIC WAYS AND PROPERTY**

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## CHAPTER 1

**CONSTRUCTION OF SIDEWALKS**

## SECTION:

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## 7-1-1: PERMIT REQUIRED:

- A. Required: No person shall construct any sidewalks on any of the streets or avenues of the city without a permit from the city superintendent, in writing.
- B. Application: Applications for permit may be made by the parties employed to construct the work or by the owners of the property and must state the location, the name of the owner, the number of the lot and block abutting upon the sidewalk to be built. (Ord. 300, 5-13-1991 )

7-1-2: DUTY OF CITY OFFICIALS: It shall be the duty of all of the police officers of the city , and the city superintendent or his assistants in all cases where they may find any person engaged in the work of constructing sidewalks, to ascertain at once if such person has a permit to perform such work and, in the event of such person not having a permit, to cause them to cease work until proper application has been made and a permit issued . (Ord. 300, 5-13-1991)

## 7-1-3: INSURANCE:

- A. Required: Before any contractor shall be granted a permit to construct sidewalks in the city , he shall file with the clerk-treasurer a public liability insurance policy in such amount as the council shall deem necessary .
- B. Indemnification: Such contract will indemnify and save harmless the city from all suits, accidents and damages consequent thereupon for or by reason of any opening in the streets and walks made by him or those in his employ, or any such damages due to any act of the contractor or those in his employ, by reason of the performance of such construction work.
- C. Exception: No bond shall be required from the owner of any lot who wishes to actually construct the walk himself. (Ord. 300, 5-13-1991)

7-1-4: ORDERING OF CONSTRUCTION: Whenever, in the judgment of the council, a sidewalk or curb shall be constructed in front of any lot or parcel of land within the city, it shall , by majority vote, order the construction of the same. The order shall be entered upon the minutes of the council, shall name the street or avenue along which said sidewalk or curb is to be constructed and shall specify the general character of material of which such sidewalk or curb shall be constructed. (Ord. 300, 5-13-1991)

## 7-1-5: NOTICE:

- A. Publication: Thereafter the clerk-treasurer shall cause to be published in one issue of the official newspaper of the city a notice that the council has ordered the construction of a sidewalk or curb, giving the description of the lot or parcel of land in front of which a sidewalk or curb is to be constructed , which notice shall state that if the owners or agents of the owners of lots or parcels of land in front of which such sidewalks or curbs are to be constructed shall fail, for a period of thirty (30) days after the date of the publication of such notice, to cause such sidewalks or curbs to be constructed, the city will cause such sidewalks or curbs to be constructed and will assess the cost thereof against the property in front of which the same is constructed.

- B. Service By Mail: On or before the second day following the date of publication of said notice, the clerk-treasurer shall mail a copy thereof to the owner or agent of the owner of each lot or parcel of land in front of which a sidewalk or curb has been ordered constructed as specified in said notice. (Ord. 300, 5-13-1991)

7-1 -6: FAILURE TO COMPLY; CONSTRUCTION BY CITY: If the owner or agent of the owner of any lot or parcel of land in front of which any sidewalk or curb shall be ordered constructed shall fail or neglect, during such period of thirty (30) days, to construct such sidewalk or curb, the council may cause the same to be constructed by the letting of a contract for the construction thereof to the lowest responsible bidder, after advertising for bids for the construction thereof; or upon failure to receive an acceptable bid, may order the city superintendent to construct such sidewalk or curb on force account. (Ord. 300, 5-13-1991)

7-1-7: BOND OF CONTRACTOR; BIDS: If the construction of such sidewalk or curb is done by contract after advertisement for bids, such advertisement for bids and contract may be for sidewalks or curb in front of one or more lots or parcels of land as the council shall determine. All sidewalks and curbs constructed by the city shall be constructed in accordance with specifications therefor prepared by the city superintendent. Any contractor to whom a contract is let for the construction of sidewalks or curbs shall, before commencing work, execute and deliver to the city public liability and property damage insurance as provided in section 7-1-3 of this chapter. (Ord. 300, 5-13-1991; amd. 2010 Code)

7-1-8: LIEN ON PROPERTY: The cost and expense of the construction of sidewalks and curbs under the provisions of this chapter shall be a lien upon the lot or parcel of land in front of which the same is constructed. If the cost and expenses of construction are not paid by the responsible party, then the property against which the same is levied and assessed shall be sold by the clerk-treasurer, the same as the sale of property for nonpayment of assessments and levies for the making of improvements in special improvement districts. (Ord. 300, 5-13-1991)

7-1-9 : SIDEWALKS IN UNSAFE CONDITION <sup>1</sup>:  
Whenever any sidewalk is in unsafe condition for pedestrians, it shall be the

1. See chapter 2 of this title.

duty of the city superintendent to place a suitable obstruction on either side of that part of the sidewalk which is in unsafe condition and notify the owner or occupant of the abutting property that such sidewalk must be repaired. If the abutting property be unoccupied and the owner cannot be found within the city, then the city superintendent shall post a notice on such property requiring such walk to be repaired. If such walk is not properly repaired within twenty four (24) hours of the giving of the notice as herein provided, then the city superintendent shall report the facts to the mayor and the mayor may cause such sidewalk to be repaired or removed by the city as provided herein. (Ord. 300, 5-13-1991)

7-1-10: REPAIRS TO SIDEWALKS: All repairs to sidewalks made by the city shall be paid out of the general fund . The clerk-treasurer shall keep a separate account of the cost of such repairs and charge the abutting property therewith, and shall certify a list of all property chargeable with repairs of sidewalks with the amount of the cost of repairs for which each separate parcel is chargeable, to which cost he shall add interest at the rate of six percent (6%) per annum from the date of the incurring of such charge by the city, and ten percent (10%) additional to cover costs and charges of administration, and such items shall constitute a tax against the property affected thereby. Such tax shall be collected or the property sold for delinquency as in the case of special improvement assessments. All money collected under the provisions of this chapter shall be placed in the general fund of the city. (Ord.300 , 5-13-1991)

7-1-11: SNOW AND DEBRIS REMOVAL <sup>1</sup>: The owner or occupant of the property abutting any sidewalk shall keep the same free of accumulations of snow, ice and other debris. (Ord . 300,5-13-1991)

7-1-12: PENALTY: Any person who shall violate any of the provisions of this chapter shall, upon conviction, be fined in any sum not exceeding ten dollars (\$10 .00) for the first offense and upon being convicted of a second offense shall be fined in any sum not less then ten dollars (\$10.00) or more than fifty dollars (\$50 .00). In the prosecution of any violation of this chapter, prior verbal or written warnings provided by any city official to the alleged violator shall be deemed admissible in any trial of the case. (Ord. 300, 5-13-1991)

1. See chapter 2 of this title.

## CHAPTER 2

**MAINTENANCE OF SIDEWALKS**

## SECTION:

7-2-1:	Duty Of Property Owner
7-2-2:	Snow And Ice Removal
7-2-3:	Defective Sidewalks
7-2-4:	Driving Over, Defacing Or Destroying Sidewalks
7-2-5:	Penalty

7-2-1:           **DUTY OF PROPERTY OWNER:** It is the duty of the owners or tenants of any premises within the city to keep the sidewalks in front of and adjoining their premises in good, safe and substantial condition and repair. The owners or tenants shall see that all breaks and unsoundness of any character resulting from natural deterioration, or from any cause whatever, are repaired with all possible dispatch . (Ord. 299, 4-1991)

7-2-2:           **SNOW AND ICE REMOVAL:**

- A.     **Duty To Keep Clean:** It is the duty of the owners or tenants of any premises within the limits of the city to keep the sidewalk in front of and adjoining his premises clean and safe for pedestrians; and, with all possible dispatch, to remove snow, ice, slush and other impediments to safe . and convenient foot travel and prevent continuous accumulation of the same upon such sidewalks.
- B.     **Dumping In Street Prohibited:** In no case in the city shall the snow, ice, slush, mud or other such material removed from such sidewalk be dumped, placed or deposited in the adjoining streets or avenues within two feet (2') of the curb line.
- C.     **Time Allowed For Removal:** Sidewalks must, in all cases, be freed from the night's accumulation of snow, ice, slush, mud or other like impediment before nine o'clock (9:00) A.M. of the following morning.

- D. Use Of Sand Or Deicing Agents: When, from freezing of water, snow or slush thereon, or by reason of such compaction resulting from the wear of foot travel or from any cause whatever, sidewalks are rendered dangerous, unsafe or difficult to the free passage of pedestrians, it shall be the duty of the owners or tenants of premises in front of or adjoining such sidewalks to forthwith remedy such condition by sprinkling sand or deicing agent on the sidewalks, chipping or other safe and efficient means. (Ord. 299, 4-1991)

7 -2-3: DEFECTIVE SIDEWALKS:

- A. Accidents; Police Report: Police officers shall, and any other persons may, report to the city clerk-treasurer all defective or unsafe sidewalks or crossings as well as the particulars of any accidents that may occur by reason of any defective or unsafe sidewalk or crossing and the names of witnesses and persons injured thereby. A copy of this report shall be given to the city engineer who will in turn notify the owners of repairs required. (Ord. 299, 4-1991)
- B. Failure To Repair: Upon the refusal or neglect of the owners or tenants of any premises to remove obstructions from , or to make necessary repairs to, the sidewalks in front of or adjoining the premises, and when, in the opinion of the city engineer, immediate repairs or the removal of obstructions are necessary -to prevent accidents, the city engineer may immediately proceed with the same. The full cost of such repairs or removal of such obstructions shall be assessed against the premises as provided in section 7-1-10 of this title. (Ord. 299, 4-1991; amd. 2010 Code)
- C. Absence Of Notice Not Defense: Absence of notice to owners or tenants to repair dangerous or unsafe sidewalks or to remove snow, ice, slush or other obstructions there from shall not constitute a valid excuse against the payment of any fine, damage or assessment by such owners or tenants; and nothing contained in this chapter shall be so construed as to release the owners or tenants of real estate from the duty of keeping the sidewalks in front of and adjoining their respective premises in good and thorough state of repair, but such duty is hereby expressly enjoined and imposed upon all such owners or tenants . (Ord . 299, 4-1991)

7-2-4: DRIVING OVER, DEFACING OR DESTROYING SIDEWALKS: It shall be unlawful for any person to drive any

vehicle of any kind upon, over or across any sidewalk, curb, parkway, or boulevard unless a driveway approach has been constructed. To mark, deface or destroy any sidewalk or curb or cause the same to be done is also unlawful. (Ord. 299, 4-1991)

7-2-5: PENALTY:

- A. Violation: Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.
- B. Jurisdiction: Jurisdiction for such violation shall be in the city court.
- C. Penalty: The penalty shall be a fine in any sum not exceeding ten dollars (\$10.00) for the first offense and upon being convicted of a second offense shall be fined in any sum not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) .
- D. Prior Verbal Or Written Warnings: In the prosecution of any violation of this chapter, prior verbal or written warnings provided by any city official to the alleged violator shall be deemed admissible in any trial of the case. (Ord. 299 , 4-1991)



## CHAPTER 3

**OBSTRUCTION OF STREETS AND ALLEYS**

## SECTION:

7-3-1:	Obstructions
7-3-2:	Right Of Removal
7-3-3:	Lien
7-3-4:	Foreclosure

7-3-1: **OBSTRUCTIONS:** It shall be unlawful to place or to permit to remain within the boundaries and rights of way of streets and alleys any vehicles, campers, trailers, lumber, firewood or other obstacles or materials in such a fashion as to prevent or impair the ability of the city to properly maintain, develop and care for said streets and alleys or to remove snow therefrom. (1985 Code § 12.02.01)

7-3-2: **RIGHT OF REMOVAL:** In addition to the imposition of penalties, the city shall have the further right, in its discretion, to remove an offending obstruction from city streets, alleys and rights of way and assess the cost of removal (and any costs related thereto, such as storage) against the owner of the obstruction. (1985 Code § 12.02.02)

7-3-3: **LIEN:**

- A. **Statement Of Lien Claim:** Costs which arise under section 7-3-2 of this chapter shall be a lien and a charge upon the property removed or upon the premises of the owner thereof. Whenever a bill for such charge remains unpaid for sixty (60) days after it has been rendered, the clerk-treasurer may file with the county clerk and recorder a statement of lien claim. This statement shall contain a legal description of the premises charged, the expenses and costs incurred and the date that the obstacle was removed, and a notice that the city claims a lien for this amount.

- B. Notice: Notice of such lien shall be mailed to the owner of the premises charged at his or her last known address . Failure of the owner to receive the notice shall not affect the right to foreclose the lien. (1985 Code § 12.02.03)

7-3-4: FORECLOSURE: Property subject to a lien so created shall be sold and the proceeds of such sale shall be applied to pay the expenses and charges after deducting costs of foreclosure as in the case of the foreclosure of liens upon real or personal property under the state law. Such foreclosure shall be brought in the name of the city and the city attorney is hereby authorized and directed to institute such proceedings in any court having jurisdiction over such matters . (1985 Code § 12.02.04)

CHAPTER 4

**OBSTRUCTION OF VIEW AT INTERSECTIONS**

SECTION:

- 7-4-1: Declared Nuisance
- 7-4-2: Notice Of Obstruction
- 7-4-3: Failure To Remove; Abatement
- 7-4-4: Lien
- 7-4-5: Foreclosure

7-4-1 : **DECLARED NUISANCE:** It shall be a nuisance and unlawful to plant or permit the growth of shrubs, trees or other plants including weeds, or to construct or maintain any fence , wall or other structure, in such manner as to create a traffic hazard by obstructing the view of motorists approaching any street intersection in this city . (1985 Code § 12 .04.01)

7-4-2: **NOTICE OF OBSTRUCTION:** It shall be the duty of the city marshal, or other person designated by the council, to serve a notice upon the owner or occupant of any premises upon which any such obstruction is found to exist, demanding the removal of the obstruction within ten (10) days. (1985 Code § 12.04.02)

7-4-3: **FAILURE TO REMOVE; ABATEMENT:** If the person so served does not abate the condition within ten (10) days, the city may proceed to abate such nuisance , keeping an account of the expenses of the abatement, and such expenses shall be charged to and paid by the owner of the premises. (1985 Code § 12.04.03)

7-4-4: **LIEN:**

- A. **Statement Of Lien:** Charges for such abatement shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for

sixty (60) days after it has been rendered , the clerk-treasurer may file with the county clerk and recorder a statement of lien claim . This statement shall contain a legal description of the premises , the expenses and costs incurred and the date the condition was abated and a notice that the city claims a lien for th is amount.

- B. Notice: Notice of such lien claim shall be mailed to the owner of the premises at his last known address . Failure of the owner to receive the notice shall not affect the right to foreclose the lien . (1985 Code § 12.04.04)

7-4-5: FORECLOSURE : Property subject to a lien so created shall be sold and the proceeds of such sale shall be applied to pay the expenses and charges after deducting costs of foreclosure, as in the case of the foreclosure of liens upon real estate under the state law. Such foreclosure shall be brought in the name of the city and the city attorney is hereby authorized and directed to institute such proceedings in any court having jurisdiction over such matters . (1985 Code § 12.04.05)

## CHAPTER 5

**UNIFORM RIGHT OF WAY ENCROACHMENT CODE**

## SECTION:

7-5-1:	Title
7-5-2:	Purpose; Intent
7-5-3:	Definitions
7-5-4:	Regulation
7-5-5:	Projection And Clearance
7-5-6:	Minimum Standards

7-5-1: TITLE: This chapter shall be known as the THOMPSON FALLS UNIFORM RIGHT OF WAY ENCROACHMENT CODE (1985 Code § 12.06.01)

7-5-2: PURPOSE; INTENT: The purpose of this chapter is to provide standards for the regulation and control of encroachments and private use of public rights of way within the incorporated limits of this city. This chapter will ensure full compliance by this incorporated city with all applicable federal, state and local laws , in the interest of public safety and the free and safe flow of traffic. (1985 Code § 12.06.02)

7-5-3: DEFINITIONS : As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**CURB LINE:** The line at the face of the curb nearest to the street or roadway . In the absence of a curb , the curb line shall be established by the city officials.

**ENCROACHMENTS:** Include all private devices placed upon the public right of way including devices which overhang or underlie the right of way. (1985 Code § 12.06.03; amd . 2010 Code)

7-5-4: REGULATION: No private signs, eaves, marquees, or similar device will be allowed to encroach on the public rights of way of this city within the incorporated limits except as provided herein and then only by permit issued by the proper authorities and revocable on ten (10) days' written notice to the permittee . No gainful private or commercial use of the public right of way will be allowed . Examples : nonemergency servicing of vehicles, parking or placing of portable advertising devices on the public right of way. (1985 Code § 12.06.04)

7-5-5: PROJECTION AND CLEARANCE: The outermost portion on an overhanging device should be at least five feet (5') behind the face of the curb; where there is no curb, it shall be as established by city officials. The lowest portion of an overhanging device should be at least ten feet (10') above the top of the curb , sidewalk or roadway shoulder elevation. (1985 Code § 12.06.05; amd . 2010 Code)

7-5-6: MINIMUM STANDARDS: It is the purpose and intent of this chapter to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the placement of all signs and sign structures within the incorporated limits so as to prevent the obstruction of view of any official traffic sign, signal or device. (1985 Code § 12.06.06)

## CHAPTER 6

**EXCAVATIONS**

## SECTION:

- 7-6-1:           Permission  
7-6-2:           Safeguards

7-6-1: PERMISSION: It shall be unlawful for any person to make any excavation in any street or alley of the city for the purpose of laying down gas, water or other mains or making any repairs or improvements upon any mains now laid on said streets or alleys, without the written permission of the city councilor its authorized officer. (1985 Code § 12.08.01)

7-6-2: SAFEGUARDS: Any person , firm or corporation receiving a permit to do any such work in or upon any street or alley shall be required to properly safeguard the said work in order that no one can be injured in person or property while using said streets or alleys. Barricades must be kept around the works and red lights shall be placed on all obstructions and all openings in the streets or alleys where same are left for the night; and the said streets and alleys must be placed in as good condition by the person making the excavation as they were before the excavation was made, and the mains laid down or repairs and improvements made , and in default thereof the city council may order the same to be done at the expense of such person, firm or corporation. (1985 Code § 12.08.02)

## CHAPTER 7

**CLOSING STREETS**

## SECTION :

- 7-7-1 : Closing , Notice  
7-7-2: Travel Prohibited

7-7-1: CLOSING, NOTICE: During the construction or the repairing of any street, alley or sidewalk within the corporate limits of the city, the person , firm or corporation in charge of any such construction or repair work shall in some way indicate to the public that such street, alley or sidewalk upon which this work is being performed is closed to the public by either roping off or boarding off the part or portion thereof which is being so worked upon . (1985 Code § 12.10.01)

7-7-2 : TRAVEL PROHIBITED: During such construction or repairing, it shall be unlawful for anyone to go or travel thereon , either on foot or otherwise , except those actually engaged in such construction or repair work or supervising such work . (1985 Code § 12.10.01)