



## MEMORANDUM

To: Mayor McCarthy, Town Council  
From: Stan Berryman Public Works Director  
Date: December 19, 2014  
RE: November 29 Snow Event

On November 29, 2014, the City experienced a significant snow event. We have a staff person who works on Saturdays, but unfortunately, was unable to utilize our plow/ sander truck. We were unprepared as we had not mounted the sander, which requires two employees. We were able to contact Island County and ask for their assistance and they helped by sanding most of our major roads. Our on call staff member lives in Coupeville. It wasn't snowing there, but he responded to Langley when called in the early afternoon. We were able to get the sander out on City streets by 3:00pm.

Since this event, all public works staff has been trained to operate the plow/sander truck and will be ready to address snow/ice issues more quickly. It needs to be noted that all staff members except myself and one other live in the Coupeville area and there is a travel time delay to get to Langley.

### Snow and Ice on Public Sidewalks

Section 12.16.030 (F) attached, places responsibility for snow and ice removal on the abutting property owner. This is a very common provision that exists for all the municipalities that I have been associated with.

### Deicer

The City currently purchases deicer from Western Facilities Supply for use on public sidewalks that abut City property. The cost is \$14.00 per fifty pound box. We maintain a stock of about six boxes. Staff recommends purchasing additional boxes and make them available to business owners and the public.

### Notice

Staff recommends the release of the attached notice to business owners and the public.

**Chapter 12.16**

**Sidewalks**

**Sections:**

- 12.16.010**      **Owner responsibility.**
- 12.16.020**      **Notice to construct or reconstruct-Contents.**
- 12.16.030**      **Hazardous conditions on public street right of-way.**
- 12.16.040**      **Property owner liability.**
- 12.16.050**      **Permit required.**
- 12.16.060**      **Violation.**
- 12.16.070**      **Penalty.**

**Section 12.16.010 Owner responsibility.**

A. Whenever a portion, not longer than one block in length, of any street ("street," as used in this chapter, includes any boulevard, avenue, street, alley, way, lane, square or place) is not improved by the construction of a sidewalk ("sidewalk," as used in this chapter, includes any and all structures or forms of street improvement included in the space between the street margin and the roadway), or the sidewalk has become unfit or unsafe for the purposes of public travel and the street adjacent to both ends of such portion is so improved and in good repair and the city council by resolution approved after a public meeting held to consider such condition, finds that the improvement of such portion by the construction or reconstruction of a sidewalk is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing the sidewalk shall devolve upon the property directly abutting upon such portion ("property directly abutting" or "abutting property," as used in this chapter, is all property having a frontage upon the sides or margins of such portion).

B. Such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of fifty percent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for the purpose of general taxation. (Ord. 518, 1988)

**Section 12.16.020 Notice to construct or reconstruct-Contents.**

A. Whenever the city council has adopted such resolution, it shall serve notice on the owner of the property directly abutting the portion of the street. The notice shall instruct the owner to construct or reconstruct a sidewalk in accordance with plans and specifications which shall be attached to such notice.

B. Notice shall be served by delivering it in person to the owner or leaving it at his home with a person of suitable age and discretion residing there, or with an agent of the owner, authorized to collect rentals on such property. If the owner is a nonresident of the state, a copy shall be mailed to his last known address, or if such owner is unknown or if his address is unknown, then a copy shall be posted in a conspicuous place on such portion of the street where such improvement is to be made.

C. The notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the improvement within such the city will proceed to make the improvement and at a subsequent date, to be definitely stated in such notice, the public works director will report to the city council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such improvement, the name of the owner, if known, and that the

city council at the time stated in the notice or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment.

D. Upon the expiration of the time fixed with which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city may proceed to perform such work and shall, within the time fixed in the notice, report to the city council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if known. The city council shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such improvement against the property and shall fix the time and manner for payment.

E. The assessment shall become a lien upon the property and shall be collected in the manner provided by law for collection of local improvement assessments under RCW Title 35.

(Ord. 518, 1988)

**Section 12.16.030 Hazardous conditions on public street right of-way.**

It is unlawful for the owner and/or any person occupying or having charge or control of any premises abutting upon any public street, right-of-way or alley in the city to construct, place, cause, create, maintain or permit to remain upon any part of such right-of-way located between the curb line, or if there is no curb line, then between the adjacent edge of the traveled portion of such right-of-way and the abutting property line, any condition, structure or object dangerous or hazardous to the use of the right-of-way by members of the general public including, but not limited to, the following conditions:

A. Defective sidewalk surface including, but not limited to, broken or cracked cement, stub-toes, depression within or between sidewalk joints;

B. Defective cement surfaces placed adjacent to the public sidewalk or defects at the juncture between the cement surfaces

and the public sidewalks, including stub-toes or depressions at the junction;

C. Defects in sidewalks or public ways caused or contributed to by the roots of trees or similar growth or vegetation located either on private adjoining property or on the parking strip portion of such street right-of-way;

D. Defective conditions caused by tree limbs, foliage, brush or grass on or extending over such public sidewalks or rights-of-way;

E. Defective conditions on the parking strip area between the curb line and the sidewalk or, if there is no curb line, then between the edge of the traveled portion of the street and the sidewalk and between the sidewalk and the abutting property line:

F. Defects resulting from accumulation of ice and snow on public sidewalks or on the right-of-way between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and the abutting property line;

G. Defects consisting of foreign matter on the public sidewalks including, but not limited to, gravel, oil, grease or any other foreign subject matter that may cause pedestrians using the sidewalk to fall, stumble or slip by reason of the existence of such foreign matter;

H. Defective handrails or fences or other similar structures within or immediately adjacent to such right-of-way areas.

(Ord. 518, 1988)

**Section 12.16.040 Property owner liability.**

A. In the event of any injury or damage to any person and/or property proximately caused by the defective, dangerous or hazardous condition of any sidewalks as specified, or by the presence or accumulation of ice or snow, or by lack or proper guards or railings on or along the property abutting on any public way, then the abutting property owner where such injury or damage occurs shall be liable, including liability to the city for all damage,

injury costs and disbursements including court costs and attorney's fees, which the city may be required to pay or incur to any person injured or property damaged.

B. Whenever any public right-of-way in the city has been improved by the construction of a sidewalk along either side, the duty and expense of the maintenance, cleaning, repair and renewal of the sidewalk, including the erection or maintenance of suitable barriers along the outer margin of the sidewalk where the same is elevated more than two feet above the abutting property shall be upon the owner of the abutting property. All such repairs shall be made after application for an issuance of a proper street excavation permit as required by law, and all of such work shall be duly inspected and approved by the services director or his designee.  
(Ord. 518, 1988)

**Section 12.16.050 Permit required.**

Any person desiring to change or relocate any sidewalk in front of and abutting his property shall make application in writing to the public works director of the city and such application shall contain, among other things, the exact location of such proposed change or relocation, the location and design of any new sidewalk to be laid and the connections and locations of other sidewalks upon such street. No change or relocation of any sidewalk shall be made until the issuance of an appropriate permit.  
(Ord. 518, 1988)

**Section 12.16.060 Violation - Penalty.**

Violation of or failure to comply with any of the provisions of this chapter shall be subject to a civil penalty as set forth in Chapter 1.14. When violations are of a continuing nature, the penalty shall increase each day of the violation as set forth in chapter 1.14.050(5).  
(Ord. 518, 1988) (Ord. 832, 2003)



## NOTICE

To: Langley Business Owners and Public  
From: Stan Berryman Public Works Director  
Date: January 5, 2015  
RE: Sidewalk Snow and Ice Removal

Section 12.16.030 (F) of the City of Langley Municipal Code places the responsibility of the abutting property owner to remove accumulations of snow and ice from public sidewalks adjacent to their property.

The City of Langley Public Works Department is responsible for snow and ice removal on public streets. We have one plow/sanding truck which will be called out in the event of any significant snowfall.

The City of Langley has a supply of deicer available for purchase by business owners and the public to use on the sidewalks in front of their properties.

Cost is \$20.00 per fifty pound box.

Available at Langley City Hall, 112 Second Street, during regular business hours.