

ORDINANCE NO. 2010-961
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAITSBURG,
WASHINGTON, AMENDING TITLE 17 AND ADDING CHAPTER 7 TO THE
WAITSBURG MUNICIPAL CODE (WMC) 17.07 – RELATED TO
VEHICLE DAMAGE TO CITY STREETS

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WAITSBURG,
WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following new Chapter is added to Title 17 of the Waitsburg Municipal Code (WMC)

WAITSBURG MUNICIPAL CODE
RESPONSIBILITY FOR DAMAGE TO CITY STREETS

Sections:

17.07.010 Purpose.

17.07.020 Definitions.

17.07.030 Responsibility for Damage to City Streets.

17.07.040 Notice.

17.07.050 City's Remedies for Damage.

17.07.010 Purpose. The purpose of this chapter shall be to protect and preserve the existing and future streets within the City of Waitsburg ("the City") by assigning responsibility for the cost of repair for damage to City streets.

17.07.020 Definitions.

A. "**City Street**" shall mean all or any part of every public street, road, alley and right-of-way, maintained by the City, lying inside the limits of the City of Waitsburg, and which has not been designated as a state highway as that term is defined in RCW 46.04.560 as now written or subsequently amended.

B. "**Public Works Director**" shall mean the Public Works Director of the City or his/her designee.

17.07.030 Responsibility for Damage to City Streets. In the event any vehicle causes damage to any City Street or any utilities located beneath any City Street as a result of or arising from its travel upon or use of any City Street, the owner and operator of any such vehicle shall be jointly and severally liable to the City for the cost of repair of such damage.

17.07.040 Notice.

A. The public works director shall cause to be erected signs notifying users of City Streets of the provisions of this chapter at each entry into the City or as applicable.

B. The public works director shall cause to be published in one issue of a newspaper of general circulation within the City, a summary of the provisions of this chapter, as now written or subsequently amended.

17.07.050 City's Remedy for Damage to City Streets.

A. If the City determines that any person has caused damage to any City Street, the City may make a written demand on such person that such person repair the damage or reimburse the City for the reasonable costs of such repair.

B. If the damage is not repaired or the person fails or refuses to reimburse the City for the reasonable costs of such repair within a reasonable time period following the City's written demand, the City may:

1. Enforce the provisions of this chapter through injunctive proceedings, an action for specific performance, or any other appropriate proceedings;
2. Impose a fine upon the person or issue an infraction subject to the penalty set forth in WMC 7.01.080 as currently written or subsequently amended;
3. Assess against the person any monetary damages provided by any applicable agreement between that person and the City; or
4. Pursue any legal or equitable remedy available under any applicable law or under any applicable agreement between that person and the City.

C. Remedies available to the City for violations of this chapter shall be construed as cumulative and not alternative.

D. Any person receiving a civil penalty or infraction under this chapter shall be required to pay such penalty or infraction no later than thirty (30) days after receipt of such penalty or infraction.

E. An assessment of a civil penalty or issuance of an infraction under this chapter does not constitute a waiver by the City of any other right or remedy it may have under applicable law or agreements resulting from a person's violation of this chapter.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 7th day of July, 2010.

Approved:

Walt Gobel, Mayor

Attest:

Randy Hinchliffe, City Clerk

Approved as to form:

Kristian E. Hedine, City Attorney