

**CITY OF PROSSER, WASHINGTON  
ORDINANCE NO. 26-3311**

**AN ORDINANCE AMENDING PROSSER MUNICIPAL CODE CHAPTERS 12.04 AND 12.05 RELATING TO COMPLETE STREETS AND SIDEWALK CONSTRUCTION AND MAINTENANCE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, the City of Prosser seeks to promote safe, accessible, and efficient transportation systems for all users; and

**WHEREAS**, the City desires to adopt Complete Streets principles to improve mobility, safety, and connectivity throughout the community; and

**WHEREAS**, the City further seeks to clarify and strengthen regulations related to sidewalk construction, maintenance, and responsibility within the public right-of-way; and

**WHEREAS**, the City Council finds that updating Prosser Municipal Code Chapters 12.04 and 12.05 is necessary to protect public health, safety, and welfare;

**NOW THEREFORE**, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** Prosser Municipal Code Section 12.04 is hereby amended to read as follows:

## **Chapter 12.04 - Complete Streets**

### **12.04.010 Purpose**

The City of Prosser is committed to designing and maintaining streets that safely serve all users, including:

- Pedestrians,
- Bicyclists,
- Motorists,
- Public transit riders,
- Freight vehicles,
- Emergency responders,
- People of all ages and abilities.

To the greatest extent practical, the City will incorporate facilities that support these users in:

- New street construction;
- Street reconstruction or retrofit projects;
- Street maintenance and operations.

The City will also identify cost-effective opportunities to incorporate Complete Streets principles

into routine maintenance and operational activities.

#### **12.04.020 Definitions**

##### **Complete Streets**

Streets designed, built, and operated to allow safe access for all users, including pedestrians, bicyclists, motorists, and public transit riders.

##### **Complete Streets Infrastructure**

Design features that improve safety, accessibility, and comfort for street users, can including but not limited to, where appropriate :

- Sidewalks;
- Shared-use paths;
- Bicycle lanes;
- Vehicle travel lanes;
- Paved shoulders;
- Street trees and landscaping;
- Planting strips;
- Curbs and curb ramps;
- Bulb-outs;
- Crosswalks and refuge islands;
- Pedestrian signals and accessible signals;
- Traffic signs and street furniture;
- Bicycle parking;
- Traffic calming devices;
- Narrower vehicle lanes;
- Raised medians.

##### **Project**

Any activity involving a street, including, but not limited to:

- · Construction;
- Reconstruction;
- Retrofit;
- Maintenance;
- Alteration or repair;
- Planning and design.

##### **Street**

Any public right-of-way open for public travel, including, but not limited to:

- · Arterial streets;

- Collector streets;
- Residential streets;
- Connectors;
- Alleys;
- Lanes or roadways.

#### **Users**

People who travel within streets or rights-of-way including, but not limited to, pedestrians, bicyclists, motorists, and transit riders.

#### **12.04.030 Complete Streets Policy**

When feasible, the City will incorporate Complete Streets infrastructure into street and right-of-way projects.

The goal is to create a comprehensive and connected transportation network that balances:

- Mobility;
- Safety;
- Accessibility;
- Health;
- Transportation choices.

Projects should help create a network that supports travel for all users throughout the city.

#### **12.04.040 Transportation Network Connectivity**

Street projects should improve connections to key destinations, including, but not limited to :

- Schools;
- Parks and recreational areas;
- Downtown and commercial areas;
- Public transit routes;
- Employment centers;
- Existing pedestrian and bicycle networks;
- Regional bicycle and pedestrian plans.

Projects should also support coordination with regional transportation plans developed by Benton County and other agencies.

#### **12.04.050 Partnerships**

The City will work with public agencies, organizations, and the community to implement Complete Streets principles, as appropriate

Partners may include:

- Washington State Department of Transportation (WSDOT);
- Federal Highway Administration (FHWA);
- Transportation Improvement Board (TIB);
- Benton County;

- Local businesses and residents;
- Community organizations;
- Funding agencies.

These partnerships help improve coordination, funding opportunities, and regional connectivity.

#### **12.04.060 Implementation and Design Guidance**

Complete Streets principles will be incorporated into relevant city plans, policies, and programs when appropriate, including, but not limited to :

- Comprehensive Plan;
- Capital Facilities Plan;
- Transportation Improvement Program;
- ADA Program Access Plan & Action Plan;
- Public Works Design and Construction Standards.

Street design should follow recognized professional standards, including, but not limited to :

- American Association of State Highway and Transportation Officials (AASHTO);
- Institute of Transportation Engineers (ITE);
- National Association of City Transportation Officials (NACTO);
- Manual on Uniform Traffic Control Devices (MUTCD).

#### **12.04.070 Exceptions**

Complete Streets elements may be excluded from a project when one or more of the following conditions apply:

1. The accommodation of certain users is prohibited by law.
2. There is no current or anticipated need for the facility.
3. The improvement would conflict with the Comprehensive Plan.
4. The improvement would create significant environmental impacts, such as impacts to wetlands, streams, steep slopes, or other critical areas.

The Public Works Director determines the improvement would compromise public safety.

Additional exceptions including, but not limited to :

- Routine maintenance activities such as sweeping, snow removal, pothole repair, or crack sealing.
- Situations where physical space is unavailable.
- Situations where costs would be disproportionate to the expected benefit.
- Projects where equivalent transportation facilities exist nearby.
- Situations where improvements would cause significant environmental or historic impacts.
- Sidewalks may also be excluded where they are inconsistent with an adopted sidewalk policy.

#### **12.04.080 Intergovernmental Coordination**

The City will work with other transportation agencies, as necessary, to ensure transportation networks connect smoothly across jurisdictional boundaries.

Coordination may occur with:

- Washington State Department of Transportation;
- Benton County; or
- Regional transportation planning organizations.

This coordination helps ensure consistency in planning, design, construction, and maintenance of transportation facilities.

#### **12.04.090 Community Context**

Complete Streets projects may consider the character and context of surrounding areas, including:

- Neighborhood character;
- Land use patterns;
- Natural environment;
- Community design goals.

Street improvements may support and enhance the surrounding environment whenever feasible.

#### **12.04.100 Implementation**

Complete Streets principles will primarily be implemented through:

- Bicycle and pedestrian network planning;
- Transportation improvement projects;
- Capital improvement planning;
- Regional coordination with Benton County.

Priority may be given to improvements that can be completed with minimal additional cost, such as:

- Adding bicycle lanes where pavement width allows;
- Adjusting pavement markings;
- Improving signage for pedestrians and bicyclists.

Projects will be implemented as funding becomes available and may be prioritized based upon need.

#### **12.04.110 Performance and Reporting**

The Public Works Director will report annually to the City Council regarding:

- Transportation projects completed in the previous year;
- Planned transportation projects over the next six years;
- Progress toward implementing the Complete Streets policy.

#### **12.04.120 Severability**

If any section, subsection, sentence, clause, or phrase of this chapter is declared invalid or unconstitutional by a court, the remaining portions of the chapter shall remain in effect.

**Section 2.** Prosser Municipal Code Section 12.05 is hereby amended to read as follows:

## **Chapter 12.05 - Sidewalk Construction and Maintenance**

### **12.05.010 Purpose**

The purpose of this chapter is to protect public health, safety, and accessibility by establishing clear requirements for:

- Sidewalk construction;
- Sidewalk maintenance and repair;
- Responsibilities of property owners and the City;
- Permits and inspection procedures;
- Enforcement of sidewalk standards.

This chapter clarifies the responsibilities of both the City of Prosser and property owners for sidewalks within the public right-of-way.

### **12.05.020 Definitions**

For the purposes of this chapter the following definitions apply:

#### **Broken or cracked sidewalk**

A sidewalk with a crack at least  $\frac{1}{4}$  inch wide, regardless of length.

#### **Depression**

A section of sidewalk that is below grade and allows water to pond.

#### **Foreign matter**

Material on a sidewalk that may cause slipping or tripping, including, but not limited to, dirt, oil, gravel, or debris.

#### **Property owner**

The legal owner of property that abuts a sidewalk.

#### **Public Nuisance (Sidewalk)**

Any condition of a sidewalk or within the public right-of-way that:

1. Unreasonably interferes with the safe and convenient use of the sidewalk by the public;  
or
2. Creates a hazard or risk of injury to pedestrians or other users; or

3. Obstructs or impedes accessibility, including compliance with the Americans with Disabilities Act (ADA); or
4. Violates the standards set forth in this chapter relating to sidewalk construction, maintenance, or cleanliness.

**Raised sidewalk**

A sidewalk section that rises above grade creating an uneven surface.

**Right-of-way**

Public land between the street edge or curb and the adjoining property line.

**Sidewalk**

The pedestrian area within the public right-of-way including sidewalks, curbs, and gutters.

**Stub-toe**

An abrupt height difference of  $\frac{1}{4}$  inch or greater between sidewalk sections.

**12.05.030 Administration**

The Public Works Director, or as assigned by the Mayor, is responsible for administering and enforcing this chapter and may establish administrative procedures necessary to carry out its provisions.

**12.05.040 City Authority**

The Public Works Department has authority to:

- Inspect sidewalks;
- Supervise sidewalk construction;
- Issue notices for repair or construction;
- Enforce compliance with this chapter.

**12.05.050 Sidewalk Construction Standards**

All new or replaced sidewalks and curbs must be constructed in accordance with:

- City construction standards;
- Prosser Development Specifications;
- ADA accessibility requirements.

Sidewalk widths shall comply with adopted city standards unless a variance is approved.

Existing sidewalks that do not meet current standards but are in good condition may remain in place. Such sidewalks shall not be required to be brought into compliance unless they are replaced, repaired, or determined by the City to constitute a hazard or nuisance. At that time, the sidewalk shall be reconstructed in accordance with applicable sidewalk construction standards. Sidewalk widths shall comply with adopted city standards unless a variance is approved.

**12.05.060 Sidewalks Required for New Development**

Sidewalks must be installed when property is developed.

Requirements include:

- Sidewalks must be constructed along the **entire street frontage** of the property.
- Corner lots must construct sidewalks on **all street-facing sides**.
- Sidewalks must be completed **before occupancy or use of the building**.

Exceptions include, but are not limited to:

- Projects that do not increase habitable residential space;
- Accessory structures under 120 square feet;
- Roof replacement projects.

The Public Works Director may allow delayed construction, and the property owner must sign an agreement to construct sidewalks when required by the city, if:

- The street has not been designed yet;
- Sidewalk infrastructure is incomplete;
- Storm drainage infrastructure is not installed.

In these cases, the property owner must sign an agreement to construct sidewalks when required by the city.

#### **12.05.070 Bond in Lieu of Construction**

Instead of constructing sidewalks immediately, a property owner may provide:

**A cash deposit or performance bond equal to 125% of the estimated sidewalk construction cost.**

The bond ensures the sidewalk will be constructed later if required.

#### **12.05.080 Standard Sidewalk Widths**

<b>Location</b>	<b>Minimum Width</b>
Major business streets	12 feet
Other business streets	8 feet
Residential streets	5 feet

Specific street locations requiring wider sidewalks may be designated by the city.

#### **12.05.090 Sidewalk Construction or Repair Orders**

Sidewalks that do not meet city standards are declared a **public nuisance**. Public nuisance conditions include, but are not limited to:

- Broken, cracked, raised, or depressed sidewalks as defined in this chapter;

- Vertical displacement or “stub-toe” hazards;
- Accumulation of snow, ice, dirt, gravel, vegetation, or other debris;
- Obstructions such as materials, equipment, or overgrown vegetation encroaching into the sidewalk;
- Standing water or drainage issues creating unsafe conditions;
- Any condition that prevents or restricts safe passage by pedestrians, including those using mobility devices;

If the Public Works Director, or designee, determines that a sidewalk condition is unsafe or constitutes a public nuisance, the City may require repair or replacement in accordance with PMC 12.05.100.

### **12.05.100 Enforcement and Abatement**

#### **A. Notice of Violation**

When the Public Works Director, or designee, determines that a sidewalk condition constitutes a public nuisance or otherwise violates this chapter, the City may issue a written notice to the property owner. The notice shall:

1. Describe the location and nature of the violation;
2. Specify the required corrective action;
3. Provide a reasonable timeframe for compliance; and
4. Inform the property owner of the right to appeal pursuant to PMC 12.05.195.

#### **B. Failure to Comply**

If the property owner fails to correct the violation within the specified timeframe, the City may take one or more of the following actions:

1. **City Abatement**  
The City may perform or contract for the repair, replacement, or removal of the hazardous condition.
2. **Assessment of Costs**  
All costs incurred by the City, including administrative, engineering, inspection, and legal costs, may be charged to the property owner.
3. **Lien Against Property**  
Unpaid costs may be assessed against the property and recorded as a lien in accordance with applicable law.
4. **Civil Penalties**  
The City may impose civil penalties as established by resolution or ordinance.

### **C. Immediate Hazard**

If the Public Works Director determines that a sidewalk condition poses an immediate threat to public health or safety, the City may take corrective action without prior notice. The property owner shall be notified as soon as practicable, and all costs incurred shall be the responsibility of the property owner.

### **D. Alternative Compliance Options**

The Public Works Director may:

1. Allow additional time for compliance when warranted;
2. Authorize participation in the Prosser Pathway Partnership Program; or
3. Approve payment arrangements for costs owed to the City.

### **E. Cumulative Remedies**

The remedies provided in this section are cumulative. The City may pursue any combination of enforcement actions necessary to achieve compliance.

#### **12.05.110 Property Owner Responsibilities**

Property owners must maintain sidewalks abutting their property by:

1. Repairing broken or damaged sidewalks.
2. Removing snow, ice, and debris.
3. Preventing hazardous conditions.
4. Keeping vegetation trimmed away from sidewalks.
5. Preventing accumulation of dirt, gravel, or other materials.
6. Reporting damage caused by street trees.

Failure to maintain sidewalks may result in enforcement action per PMC 12.05.100.

#### **12.05.115 Civil Penalties**

Any person violating or failing to comply with any provisions of this chapter shall commit a class 1 civil infraction which shall be issued in accordance with Chapter [1.40](#). Each day of violation shall constitute a separate offense. The city shall not be required to attempt to obtain voluntary correction as provided for in Section [1.40.030](#) prior to issuing the civil infraction.

#### **A. Separate from Cost Recovery**

Civil penalties are in addition to, and not in lieu of:

- Costs of repair or abatement;
- Administrative or inspection costs;
- Any lien placed against the property.

#### **B. Collection**

Unpaid civil penalties may be:

1. Collected in the same manner as other debts owed to the City; or
2. Assessed against the property and recorded as a lien in accordance with applicable law.

#### **12.05.120 Property Owner Liability**

Property owners are responsible for damages resulting from unsafe sidewalk conditions abutting their property.

Repair costs incurred by the city may become a lien against the property.

#### **12.05.130 City Responsibilities**

The City is responsible for:

- Maintaining sidewalks abutting city-owned property;
- Maintaining street trees;
- Repairing sidewalk damage caused by city street trees;
- Constructing sidewalks as required for city projects.

#### **12.05.140 Sidewalk Inspection and Repair Program**

The city may inspect sidewalks in response to:

- Public complaints;
- Routine inspections;
- Safety concerns.

Defects are evaluated using a system that considers:

- Crack width;
- Vertical displacement;
- Cross slope;
- Length of affected area;
- ADA compliance issues.

The inspection determines whether repair responsibility lies with the city or the property owner.

#### **12.05.150 Sidewalk Construction Permits**

A permit is required to:

- Construct a sidewalk;
- Repair a sidewalk;
- Relocate a sidewalk;
- Modify sidewalk improvements.

Permit applications must include:

- Location of work;
- Construction plans;
- Proposed connections to existing sidewalks.

#### **12.05.160 Permit Fees**

Permit fees are listed in the adopted fee schedule. These fees include:

- Base permit fee.
- Engineering plan review fees.
- Inspection fees.

Additional inspections may be charged at the city's hourly staff rate.

In addition to the permit fees, a **performance bond equal to 125% of the estimated sidewalk construction/repairs cost is required to** sidewalk is repaired timely and to city standard.

#### **12.05.170 Inspections**

Sidewalk construction must be inspected by the city.

Work that does not meet city standards must be corrected before final approval.

#### **12.05.180 Violations**

Failure to comply with this chapter may result in:

- Civil penalties;
- City repair of the sidewalk;
- Assessment of costs against the property owner.

#### **12.05.190 Variances**

A property owner may apply for a variance from sidewalk requirements.

Any person seeking a variance from the requirements of shall make application for such variance to the city upon forms provided by the city. All applications shall comply with Title [19](#) and shall be heard and decided by the board of adjustment in accordance with Section [18.75.080](#).

#### **12.05.195 Appeals**

##### **A. Right to Appeal**

Any property owner or responsible party receiving a notice, order, or determination under this chapter may appeal such decision.

##### **B. Filing of Appeal**

1. Appeals shall be submitted in writing to the City Administrator within ten (10) calendar days of the date of the notice or decision.
2. The appeal shall include:
  - The appellant's name and contact information;
  - The address of the affected property;
  - A description of the decision being appealed; and
  - A statement of the reasons for the appeal.

### **C. Review Authority**

The City Administrator, or designee, shall review the appeal and may request additional information as necessary.

### **D. Decision**

1. A written decision shall be issued within fourteen (14) business days following receipt of the appeal, unless additional time is needed.
2. The decision shall affirm, modify, or reverse the original determination.
3. The decision of the City Administrator, or designee, shall be final.

### **F. Effect of Appeal**

Filing an appeal may stay enforcement of the notice or order, as determined by the Public Works Director, unless the condition presents an immediate threat to public health or safety.

## **12.05.200 Prosser Pathway Partnership Program**

### **A. Program Established**

The Prosser Pathway Partnership Program is established to assist residential property owners with the repair or replacement of sidewalks abutting their property that are the responsibility of the property owner under this chapter.

### **B. Eligible Properties**

The program applies only to sidewalks abutting residential properties.

Commercial, industrial, or properties primarily used for commercial purposes are not eligible for participation.

### **C. Application Process**

1. Applications for participation in the Prosser Pathway Partnership Program shall be accepted annually during a period established by the Public Works Director.
2. Property owners selected for participation shall be required to enter into a cost-sharing agreement with the City and provide payment for their required share of project costs prior to construction unless otherwise provided under subsection (E) of this section.

### **D. Standard Cost Sharing**

For approved projects under this program:

1. The property owner shall be responsible for fifty percent (50%) of the cost of sidewalk repair or replacement.
2. The City shall provide the remaining fifty percent (50%) of the project cost, subject to available funding.

### **E. Low-Income Assistance**

1. Property owners whose household income qualifies as Elderly or Low Income based upon the requirements of 13.10.380.A.2 may be eligible for additional assistance.

2. For qualifying low-income households, the City may contribute up to seventy-five percent (75%) of the total project cost, with the property owner responsible for the remaining portion.
3. The City may allow the property owner's portion to be paid through a payment plan not to exceed six (6) months.
4. Eligibility verification and documentation requirements shall be established through administrative procedures adopted by the Public Works Director.

#### **F. Project Coordination**

Sidewalk repairs completed through this program may be coordinated with:

- scheduled sidewalk repair projects,
- street maintenance projects, or
- other public works activities

in order to improve efficiency and reduce construction costs.

#### **G. Scheduling of Repairs**

Participation in the program does not guarantee immediate construction.

Repairs may be scheduled based on:

- available program funding,
- the severity of sidewalk defects,
- construction efficiency, and
- coordination with other public works projects.

#### **H. Administration**

The Public Works Director is authorized to establish administrative procedures necessary to implement this program, including:

- application procedures,
- eligibility verification,
- project prioritization,
- payment agreements, and
- program guidelines.

#### **I. Funding**

Participation in the Prosser Pathway Partnership Program is subject to funding appropriated by the City Council and may be limited based on available program funding.

**Section 3. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 4.** This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**ADOPTED** by the City Council and **APPROVED** by the Mayor, this 12th day of May, 2026.

  
\_\_\_\_\_  
MAYOR GARY VEGAR

APPROVE  
 VETO

ATTEST:

  
\_\_\_\_\_  
JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BENJAMIN GOODWIN, CITY ATTORNEY

Date of Publication: May 20, 2024



**SUMMARY OF ORDINANCE NO. 26-3311**

of the City of Prosser, Washington

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On the 12th day of May, 2026, the City of Prosser, Washington, passed Ordinance No. 26-3311. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE AMENDING PROSSER MUNICIPAL CODE CHAPTERS 12.04 AND 12.05 RELATING TO COMPLETE STREETS AND SIDEWALK CONSTRUCTION AND MAINTENANCE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this 12th day of May, 2026

  
JACQUELINE RENTERIA, CITY CLERK