



# DuPont Friday Letter

August 21, 2015

## “Sidewalks and Trees...”

Ted Danek (253) 912-5215 [tdanek@dupontwa.gov](mailto:tdanek@dupontwa.gov)

*We are honored to have this week's Friday Letter written by a guest, Councilman Mike Gorski. He will express his insights and thoughts about the current street tree and sidewalk discussion in DuPont. So, standard disclaimer: the thoughts and opinions expressed by Mr. Gorski are his and do not represent the mayor's mine, rest of council, etc. etc. A similar article appeared in the Suburban Times on August 16 in a letter he wrote to the editor. By the way, I am very happy to consider other guest articles, so please feel free to suggest subjects or offer to take one over...*

From Councilman Mike Gorski:

The DuPont City Council passed a revision to DMC 14.01, the existing Sidewalk Construction and Maintenance code, by a vote of 4-2. Unfortunately, the issue of sidewalk maintenance has been conflated with the long standing issue regarding trees in Palisade Village, creating confusion and animus from people who do not understand the larger picture. That is understandable since the issue with overgrown trees and damaged sidewalks has been going on for a long time now, well over 10 years before I took my oath of office in 2014. Most would say it went unaddressed too long, but the revision to the sidewalk code is the first step in a long and deliberate process to finally address what is happening in Palisade Village, and more importantly, prevent a similar occurrence from happening in all of the other neighborhoods in DuPont. The adopted changes are mindful to future needs of all villages in DuPont so that both City Hall and the citizen can act in a proactive manner.

It is important to understand what the revision to DMC 14.01 does, and does not do.

First, what the changes do: The revision of DMC 14.01 largely consists of defining and illustrating the condition when a sidewalk may be deemed unfit and in need of repair, or when a replacement is required. Previously, the city could have ordered the property owner replace their sidewalk panel based on the subjective input of an inspector. Now, the requirements are defined, measureable, and objective; the code also provides illustrations to provide visual examples or unfit conditions.

The revision also introduces a sidewalk inspection schedule where homeowners can be aware of when and where the city may take actions on sidewalk maintenance. This revision introduces how notification of repair will be initiated, options on how they may be repaired, and possible consequences for non-compliance.

Now, what the changes do not do: It is important to understand that this revision, and the overall intent of DMC14.01, is unchanged from its implementation in 1953. The responsibility for upkeep and repair is still with the homeowner (as it was when almost every current resident moved into DuPont). The revision does not unburden City Hall of their current sidewalk maintenance responsibilities and abdicate it to the property owner. Nor, does the revision favor one neighborhood over another; the updated DMC is established to clarify the current sidewalk issues and those that may occur in the future. Most importantly, DMC 14.01 does *not* serve as the final word on the issue with street trees and their impact in Palisade Village.

Part of the consternation over the changes to DMC 14.01 is what is perceived or anticipated in Palisade Village regarding damaged sidewalks resulting from street tree overgrowth. There have been sidebar squabbles over who owns the street trees or the sidewalks; who approved these trees planted, etc. That answer is clear, the City of DuPont owns them, but the law also states that it is the property owners' *responsibility* to care for the trees (DMC 14.04.070) and sidewalks (DMC 14.01.020). Again, this is as true today as it was on the day we moved into our homes.

If you are struggling to understand how you can be responsible for something you don't own, consider the rental car industry. If you leave the lot and the car is then damaged, expect a bill from Avis upon its return. Similarly, the street trees approval for planting twenty years ago is like a leased car. Once you are off the lot you are responsible. If the tires wear out two years into your lease, then you replace them, regardless of why they wore out. Like the lease car, the purchase of the house includes the responsibility of the tree(s) and sidewalk.

Now that the revision to DMC 14.01 has passed, it is time to take a contemplative pause to consider the next steps in addressing the larger issue of removing unsafe trees, trees causing damage to sidewalks, and ensuring safe walkability within all neighborhoods of DuPont. We do not know what the next steps will fully resemble yet, but it will require input from all citizens. I do know that it will take a methodical and measured approach; where problems are defined, data is gathered, and solutions evaluated before implementation.