

Chapter 12.04

CURBS, GUTTERS AND SIDEWALKS

Article I. Construction

- 12.04.010 Unimproved curbs, gutters and sidewalks – Findings.
- 12.04.020 Construction – Location and specifications.
- 12.04.030 Sidewalk width.
- 12.04.040 Construction – Approval by building official prerequisite to utility connections. ~~when~~
- 12.04.050 Exception – Rural residential subdivisions with lots over 10 acres.

Article II. Sidewalk Maintenance

- 12.04.060 Maintenance and repair of sidewalks.
- 12.04.065 City maintenance responsibility at residential lots.
- 12.04.070 Inspection required for permit clearance.
- 12.04.080 Notice to repair – Manner in which given.
- 12.04.090 Notice to repair – Information required.
- 12.04.100 Failure of abutting property owner to repair.
- 12.04.110 Report by City Engineer after completion of repairs.
- 12.04.120 Completion of repairs. Notice of cost and hearing by City Council.
- 12.04.130 Hearing by City Council.
- 12.04.140 Assessments on property.

Article II. Sidewalk Maintenance

12.04.060 Maintenance and repair of sidewalks.

A. Except as provided herein, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair, may be done and the proceedings may be had and taken in accordance with this Chapter 12.04 and the procedure provided in Chapter 22 of Division 7, Part 3, of the California Streets and Highways Code as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said

Chapter 22 of Division 7, Part 3, of the California Streets and Highways Code and this Chapter 12.04, the provisions of Chapter 12.04 shall control.

B. As used in this Article, "sidewalk area" includes the sidewalk, any parkway or planter strip maintained in the area between the back of curb and the property line, and the driveway, bulkheads, retaining walls or other works for the protection of any sidewalk, parkway, or planter strip.

C. The owner of a lot or portion of a lot fronting on, or adjacent to, any portion of sidewalk area, shall maintain such sidewalk area in good repair and condition. This duty includes but is not limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, removal or filling or replacement of parkways or planter strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of trees, shrubs and/or ground cover, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk area in a reasonable manner and will be in a condition that will not interfere with the public convenience in the use of the sidewalk area.

D. A property owner required by Section 12.04.060(c) to maintain a sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a safe and non-dangerous condition as required by Section 12.04.060(c), any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injuries.

12.04.065 City maintenance responsibility at residential lots.

The City shall maintain the sidewalk area in residential backing lots as defined in LMC 12.20.010, except for those backing lots having a private association or district that is responsible for such maintenance.

12.04.070 Inspection required for permit clearance.

The City shall inspect the condition of the sidewalk area fronting on, or adjacent to, any portion of the property prior to the issuance of any building permit for work in excess of \$50,000 pertaining to occupancy or construction on that property. All such permits, prior to final issuance, shall require a notation that a sidewalk inspection was completed and that the sidewalk area is not in need of repair or that the repair has been completed.

12.04.080 Notice to repair – Manner in which given.

When any portion of a sidewalk area is out of repair or pending reconstruction and in condition to endanger persons or property or interfere with the public convenience in the use of such sidewalk area, the City Engineer shall notify the property owner and provide a courtesy notice to the person in possession of the property fronting on, or adjacent to, the sidewalk area that the sidewalk area is out of repair and it must be repaired. Notice may be given by one of the following: (1) delivering written notice personally to the

property owner and the person in possession of the property fronting on, or adjacent to the sidewalk out of repair; (2) mailing written notice, postage prepaid, to the person in possession of such property and to the property owner thereof at his/her last known address, as the same appears on the last equalized assessment rolls of the City, or to the name and address of the person owning such property, as shown in the records of the City Clerk.

12.04.090 Notice to repair – Information required.

The written notice provided for in LMC 12.04.080 shall particularly specify what work is required to be done, how it is to be done, what materials shall be used in the repair and shall further specify that if the repair is not commenced within a reasonable time after notice is given, and diligently and without interruption prosecuted to completion, the City Engineer may make such repair and seek recovery for the costs of the repair.

The property owner may appeal a written notice to repair to the City Engineer within 14 days from the date of delivery or mailing of the written notice and show cause why the work should not be done, why the work should be done in a different manner or with different materials, or why the time to perform the work should be extended. Such appeal shall be in writing and shall be filed with the City Engineer. The City Engineer shall review and respond in writing to such appeal within 10 days of the filing of the appeal.

12.04.100 Failure of abutting property owner to repair.

If repair of a sidewalk area is not commenced and completed with due diligence, by the property owner or person in possession of the property, as required by the notice provided in LMC 12.04.080 or 12.04.090, the City Engineer may repair the sidewalk area and seek recovery for the costs of the repair from the property owner.

12.04.110 Report by City Engineer after completion of repairs.

Upon completion of the repair to a sidewalk area pursuant to LMC 12.04.100, the City Engineer shall prepare and file with the City Council a report specifying the repairs which have been made, the cost of the repairs, the description of the real property in front of, or adjacent to the sidewalk area, where the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof.

12.04.120 Completion of repairs. Notice of cost and hearing by City Council.

Upon completion of the repairs or construction to a sidewalk area pursuant to LMC 12.04.100 and 12.04.110, the City Engineer shall cause notice of the cost of the repairs or construction to be given to the property owner. The notice shall specify the date, time, and place when the City Council will hear and pass on the report of the costs of the repair, together with any written objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or construction and any other interested persons. The notice shall also describe the procedure to be followed for such

written objections or protests. In no event shall the hearing provided in this section be sooner than 10 days after giving of notice.

12.04.130 Hearing by City Council.

The City Council, on the date and time fixed for hearing, shall hear and pass upon the report of the City Engineer, together with any written protests or objections which have not been withdrawn prior to the hearing, from property owners liable to be assessed for the work of making such repairs or any other interested persons in accordance with the procedure provided in Chapter 22 of Division 7, Part 3 of the California Streets and Highway Code.

12.04.140 Assessments on property.

If the property owner fails to pay for the costs and expenses of maintenance and repair to the sidewalk area within 10 days of written notice of the City Council decision by the City Engineer, the City may collect assessments for the costs and expenses of such maintenance and repair, including but not limited to placing a lien on the owner's property, having the assessment placed on the property tax rolls, or any other method of collection legally available to the City.