

Chapter 12.10 Sidewalk Maintenance

12.10.010 Trees – Property owner responsibility and duty to public.

A. The owner of a lot fronting on or adjacent to any portion of a street shall maintain any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to the owner's property in a nondangerous condition. The trees, shrubs, hedges or other landscaping shall not interfere with the public convenience or safety in the use of the streets and sidewalks. The owner shall maintain street trees so that there is a minimum eight-foot vertical pedestrian clearance from the top of the sidewalk and a minimum 13-foot vertical clearance from the top of the curb, to any part of a street tree.

B. For purposes of this chapter, maintenance of trees, shrubs, hedges and other landscaping includes but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves and other debris.

C. Property owners required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and nondangerous condition for users of the public streets and sidewalks.

D. If any property owner fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and any person suffers damage or injury to person or property, the property owner shall be liable for all damages or injuries caused by the failure of the owner to maintain these areas. (Ord. 457 § 1, 1990).

12.10.020 Maintenance and repair of sidewalks.

A. Anything in this chapter to the contrary notwithstanding, 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 therefor may be had and taken in accordance with Chapter 22 of Part 3 of Division 7, of the Streets and Highways Code of the State (Sections 5600 et seq.) 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 Streets and Highways Code of the State and this chapter, the provisions of this chapter shall control.

B. The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor. This shall include a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair, and the costs of collection of assessments for the costs

of maintenance and repair under subsection (A) of this section or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

C. For the purposes of this chapter, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area. Maintenance and repair shall not include maintenance and repair which is necessitated by a defective condition of a public utility improvement such as, but not limited to, utility boxes for water, sewer, telephone, cable television, gas and electric services.

D. Notwithstanding the provisions of Section 5615 of the State Streets and Highways Code, the Director of Public Works may in the Director's discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed 74 days from the time the notice referred to in Section 5614 is given. (Ord. 457 § 1, 1990).

12.10.030 Liability for injuries to public.

The property owner required by CMC 12.10.020 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by CMC 12.10.020, a person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 457 § 1, 1990).