

**COUNCIL POLICY****CURRENT**

SUBJECT:                 SIDEWALK MAINTENANCE POLICY  
POLICY NO.:             200-12  
EFFECTIVE DATE:       February 6, 1975

**BACKGROUND:**

The City's practices with regard to the maintenance of existing Portland Cement Concrete (PCC) sidewalks has for many years been based on the California Streets and Highways Code, Section 5610.

This section essentially places the responsibility for replacement of PCC sidewalk totally on the abutting property owner unless an unsafe condition exists because of some act of the City or some third party, such as allowing parkway trees to damage the sidewalk, permitting poor compaction of soil under a sidewalk, sidewalk damage caused by City utility intrusion, etc. Consequently, PCC sidewalk replacement at City expense is done only under the following conditions:

1.     Damage caused by parkway trees.
2.     Damage due to grade subsidence.
3.     Damage due to City utility cuts.
4.     Sidewalk fronting City-owned property.
5.     Sidewalk at street intersection (no abutting property).
6.     Damage due to heat expansion.

A significant portion of an existing unsafe sidewalk does not fall into any of the above categories, but is in such a condition because of its age. Naturally, these conditions are most prevalent in older parts of the community. Replacement of these unsafe old sidewalks therefore depends on the financial ability and willingness of the abutting property owners to do so. Experience indicates that few citizens avail themselves of the opportunity to replace an unsafe sidewalk. This is probably because they are reluctant to go through the process of obtaining a contractor, bids, permits, etc. All unsafe sidewalk conditions which come to the attention of the City are patched with asphalt to eliminate tripping hazards and assist in protecting the City from liability.

As a result of the aforementioned, there are now many areas of aged sidewalk which have been asphalt patched for safety, but which nevertheless are not satisfactory to the affected users. The problem is particularly acute in areas heavily used by senior citizens and small children.

**PURPOSE:**

The purpose of this policy is to modify the City's sidewalk maintenance practice to permit greater financial participation in the replacement of unsafe PCC sidewalks by the City.

**POLICY:**

It is the policy of the City Council that the cost of replacing unsafe Portland Cement Concrete sidewalk:

- A.     Will be borne entirely by the City when:

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1. It has been damaged by parkway trees.
  2. It has been damaged by grade subsidence.
  3. It has been damaged by City utility cuts.
  4. It fronts on City-owned property.
  5. It exists at street intersections.
  6. It has failed because of heat expansion.
- B. Will be borne on a 50/50 matching basis under all other conditions; provided, however, that damage to sidewalks which the City Manager determines to have been caused by owners of property abutting damaged sidewalks or by third parties shall not be qualified for the 50/50 matching basis funding.

This policy applies only to conventional sidewalks built on-grade and is not meant to cover special circumstances such as sidewalks constructed over basements, garages or other unique features. Determination as to whether repairs are required shall be made by the City Manager.

HISTORY:

Adopted by Resolution R-212590 02/06/1975