

ORDINANCE NO. 1593

**AN ORDINANCE AMENDING CHAPTER 11.28 OF
TITLE XI OF THE YUBA COUNTY ORDINANCE CODE
TO ADD SECTION 11.28.060 REGARDING THE
MAINTENANCE AND REPAIR OF SIDEWALKS**

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the 28 day of April, 2020, by the following vote:

AYES: Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher

NOES: None

ABSENT: None



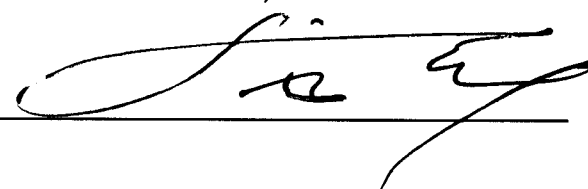
Chair of the Board of Supervisors
County of Yuba, State of California

ATTEST:
CLERK OF THE BOARD OF SUPERVISORS

By: Mary Pasillas

Mary Pasillas, Board Clerk

APPROVED AS TO FORM
MICHAEL J. CICCOSZI, COUNTY COUNSEL



**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, DOES
ORDAIN AS FOLLOWS:**

Section 1. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Amend Chapter 11.28 of Title XI of the Yuba County Ordinance Code to add Section 11.28.060 for the Maintenance and Repair of Sidewalks as set forth herein below:

11.28.060 - Maintenance and repair of sidewalks.

(a) General.

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 this section and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the state as the same is now in effect or may hereafter be amended.

The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area along owner's property frontage up to the back of curb line, including parking strips, sidewalks, landscaping/hardscape, 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, including a charge for the County's costs of inspection and administration whenever the County awards a contract for such maintenance and repair, and including the costs of collection of assessments for the costs of maintenance and repair under this Code section or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

For the purposes of this section, 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, removal and filling or replacement of parking strips, removal of weeds and/or debris, supervision and maintenance of signs allowed pursuant to Chapter 11.27, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and hardscape, 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.

Notwithstanding the provisions of Section 5614 of the state Streets and Highways Code, the required maintenance and repair of sidewalk areas shall be completed within 60 days from the time the notice referred to in Section 5614 is given. The Superintendent of Streets may in his or her discretion, and for sufficient cause, extend the period of commencement to 90 days from the time the notice referred to in said Section 5614 is given.

(b) Liability for Injuries to Public.

The property owner required by Section 11.28.060 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 Section 11.28.060, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

(c) Superintendent of Streets.

For the purposes of this section only, the Superintendent of Streets of the County of Yuba or his or her authorized representative shall be deemed to mean the Director of Public Works as to any activities conducted by that department pursuant to this section.

(d) Work Performance - Superintendent of Streets Authority.

In performing the work of repairing or constructing any sidewalk as provided in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code of the state, the Superintendent of Streets may, if the cost of said work does not exceed six thousand five hundred dollars (\$6,500):

- (1) Procure a licensed contractor to perform said work; or
- (2) Order a County work crew to perform said work.

If the cost of said work is over \$6,500, then the Superintendent of Streets shall solicit bids and award the contract in accordance with the Yuba County Purchasing and Contracts Manual to the lowest responsible bidder at the prices specified in the bid.

(e) Advancement of Costs of Work.

The Superintendent of Streets is authorized and empowered to and may advance from the Road Fund or other appropriate trust fund, any sum or sums necessary to pay the cost of the work of repairing or constructing any sidewalk by a contractor awarded a contract to perform said work by the Superintendent of Streets or work performed by County personnel under the procedures set forth in this section, and may reimburse

said fund for the sum or sums so advanced from any assessment thereafter levied and collected.

(f) Notice of Cost and Hearing by Board of Supervisors.

Upon the completion of the repairs or construction, the Superintendent of Streets shall cause notice of the cost of the repairs or construction to be given in the manner specified in Chapter 22 (Repair) of Division 7, Part 3, of the Streets and Highways Code of the state of California, as the same is now in effect or may hereafter be amended, for the giving of notice to repair or construct. The notice shall specify the day, hour and place when the Board of Supervisors 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 case shall the hearing provided for in this section be sooner than ten days after giving of notice.

(g) Conference with Superintendent of Streets.

The Superintendent of Streets may include with the notice of cost and hearing, as specified in Section 11.28.060(f) hereinabove, additional notice of the potential for a conference with the Superintendent of Streets. The conference which may be

scheduled by the Superintendent upon receipt of the written objection or protest, specified in Section 11.28.060(f), shall be conducted prior to the Board of Supervisors hearing for the purpose of discussion between the property owner and the Superintendent of Streets of the costs of repair. Upon the conclusion of the conference, the Superintendent shall note his conclusions in the report together with any recommendations for adjustment of the costs of repair.

(h) Hearing by Board of Supervisors.

The Board of Supervisors, on the day and hour fixed for hearing, shall hear and pass upon the report of the Superintendent, 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 repair in accordance with the procedure provided in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, or phrase thereof,

