



## Sidewalk Maintenance Overview

Sidewalk repair and maintenance adjacent to a private property are generally the responsibility of the fronting property owner (Streets & Highways Code Sections 5610-5618 and City of Cotati Municipal Code Section 11.06). If alerted to a hazardous situation, the City will mark the damaged portion of sidewalk in bright orange paint to identify the problem area caused by uplifted sidewalk panels, and property owners are alerted when unsafe conditions are discovered.

### **Sidewalk Maintenance Program**

The City of Cotati maintains approximately 30 miles of public sidewalk in safe condition. Due to the magnitude of this task, not all the sidewalks can be constantly maintained or repaired simultaneously. The Department of Public Works will repair, replace, or otherwise mitigate trip hazards in the public right-of-way that are adjacent to City property; as well as annually perform sidewalk shaving in neighborhoods with a high concentration of sidewalk offsets. The typical condition targeted is upheaval which causes at least a 1/2" difference in height between two adjoining portions of the sidewalk, or one that has an abrupt change in elevation.

### **Legal Responsibility**

The State of California Streets and Highways Code, Section 5610-5618 stipulates that the owner of the fronting property is responsible for maintaining the sidewalk, curb and gutter, and park strip area in good and non-hazardous condition. Property owners are required to install, construct, reconstruct, repave, and repair the sidewalk adjacent to their properties at their own cost:

*“The owners of lots or portions of lots fronting on any portion of a public street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works.”*

Also, Section 11.06.010 of the Cotati Municipal Code stipulates that:

*“A. The owner of a parcel of real property which fronts on any portion of a sidewalk area between the property line of the parcel and the street line, including a parking strip and curb, is responsible for the repair and maintenance of the sidewalk area and shall pay the cost and expense of repair and maintenance.*

*B. The owner of a parcel of real property is under a duty to members of the public to keep the portion of any sidewalk area described in subsection A of this section in a safe condition. If the owner makes an alteration to the sidewalk, the owner must use ordinary care in making the alteration and in keeping the altered portion of the sidewalk in a reasonably safe condition.*

*C. The failure of an owner to fulfill the duties imposed by subsections A and B of this section is negligence and the owner is liable to members of the public injured as a result of that negligence.*

*D. If the owner of the parcel of real property is not the person in possession, then the responsibilities and duties imposed by subsections A and B of this section are also imposed on the person in possession of the property. (Ord. 577 § 1, 1992).”*

Property owners are potentially liable for personal injuries caused by their failure to maintain reasonably safe sidewalks. Maintenance responsibility includes repair or replacement of damaged or displaced concrete, abatement of weeds or debris, and trimming of shrubs to keep the area free of hazards. Property owners are encouraged to perform repairs to their sidewalks before a condition becomes a defect which would give rise to a violation.

Property owners are not exempt from liability for the cost of repair even though the damage may have been caused by trees in the public right-of-way. In an effort to beautify our City’s neighborhoods, street trees are planted in front of many residences. Careful consideration is given in selecting street trees that will not cause sidewalk damage.

NOTE: An Encroachment Permit is required to perform repairs or replace a defective sidewalk in the public right-of-way; and to plant, remove, or replace trees in the public right-of-way. These can be acquired from the City of Cotati Engineering Department at 707-665-3638.