

City of Sonoma Sidewalk Trip Hazard Repair Policy

October 21, 2013

1. Purpose. The sidewalk system is a vital component of the public infrastructure. Sidewalks serve as pedestrian highways and are used for trips to schools, stores, bus stops, and parks. They are in themselves a recreational facility, used for leisurely walks and exercise runs. Walking reduces congestion and pollution, and promotes friendly neighborhoods and healthy lifestyles. Sonoma's sidewalk trip hazard repair policy is intended to minimize potential trip hazards caused by cracked and damaged sidewalks. This process aids in preventing accidents, such as trip and fall incidents. This policy also insures that the City's sidewalks are open and accessible to all persons. The purpose of this document is to establish policy and procedures to insure the execution of sidewalk trip hazard inspection and repairs.

2. Scope. This policy is applicable to all existing and future constructed sidewalks in the public right-of-way within the City of Sonoma. It includes those responsibilities and procedures necessary to adequately inspect and repair sidewalk trip hazards. This is a one-time, non-recurring inspection and repair policy that will terminate when all phases are complete.

3. References.

3.1. Codes, Regulations. The California Streets and Highway Code 5610 et seq. and the City of Sonoma Municipal Code Chapter 12.12 require that owners of lots or portions of lots fronting on any portion of a public street shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and will not interfere with the public's use of those areas.

3.2. Standards. The City of Sonoma Design and Construction Standards provide the requirements for design, construction, repair and replacement of sidewalks within the City of Sonoma.

4. Definitions.

As used in the Policy, the following words and phrases shall have the following definitions.

4.1. "Sidewalk" shall have the same meaning as set forth in Section 5600 of the California Streets and Highways Code.

4.2. "Trip Hazards" Shall mean a Sidewalk(s) with a crack, fracture, hole, gap, or other break resulting in:

- Vertical displacements between adjacent portions of the sidewalk greater than 1/4 of an inch;
- Horizontal joints with a gap greater than 3/4 of an inch;
- Other defects such as holes deeper than 1/2 of an inch and settlement or displacement resulting in slopes greater than 20%; and/or with standing water deeper than 3/4 of an inch may also be considered a trip hazard.

4.3. Categorization of Sidewalk Trip Hazards.

4.3.1 “Minor Trip Hazards” are defined as those Trip Hazards with a vertical displacement of less than 1.75 inches.

4.3.2 “Remove and Replace (R&R) Trip Hazards: are defined as those Trip Hazards with a vertical displacement greater than or equal to 1.75 inches, or those Minor Trip Hazards that cannot be repaired by saw cutting, such that the entire sidewalk section must be removed and replaced to eliminate the Minor Trip Hazard.

4.3.3 “Hole Trip Hazards” are those Trip Hazards with deeper than 1/2 of an inch and settlement or displacement resulting in slopes greater than 20%; and/or with at any time support standing water deeper than 3/4 of an inch, or which contain horizontal joints with a gap greater than 3/4 of an inch. Hole Trip Hazards are considered a R&R trip hazard.

4.4. Owner. The term “Owner” includes without limitation, the fee owner(s) of real property, abutting a Sidewalk or their agent(s).

5. Order of Work. The Public Works Director or designee shall determine the schedule, staging, and/or prioritization for performing Sidewalk Trip Hazard inspection and repair work covered by this policy based upon, but not limited to, these factors: severity of safety hazards; volume of pedestrian traffic; proximity to downtown businesses, proximity to schools; and availability of City resources.

6. Duty of Property Owner to Repair Sidewalk Trip Hazards. In accordance with California Streets and Highway Code 5610 et seq. and the City of Sonoma Municipal Code Chapter 12.12, owners of lots or portions of lots fronting on any portion of a public street shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and will not interfere with the public’s use of those areas.

7. Sidewalk Trip Hazard Inspection Procedures.

7.1. Inspection. Inspecting the City’s sidewalks is necessary to observe and report defective conditions to minimize potential trip hazards to residents and visitors of the City. The City will, in accordance with this policy and as included in the City’s annual budget, contract with a qualified contractor to perform trip hazard inspection or will undertake such inspection with its own forces.

7.2. Phasing of Inspection. All sidewalks will be inspected on a prioritized and phased approach. Additionally, other inspections will be made as needed to respond to service request and/or other reports of sidewalk failures and/or Trip Hazards.

7.3 Repair of Minor Trip Hazards during Inspection. From time to time and as budgeted by the City, Minor Trip Hazards that are identified by the phased inspection may be repaired by the City, using a saw cut method. This City funded repair of Minor Trip Hazards will be considered annually with the budget process and may be funded or not in the sole discretion of the City Council. . In the event that the City budgets for and undertakes Minor

Trip Hazard repair, no further action relating to the identification of Minor Trip Hazards is required of the Owner relating to an identified Minor Trip Hazard. In the event that the City does not budget for and does not undertake repairs related to an identified Minor Trip Hazard, the City may either do nothing relating to the Minor Trip Hazard, or may provide a written notice to the Owner to repair the Minor Trip Hazard in the same manner as set forth below for R&R Trip Hazards.

7.4. Reporting/Documentation. Inspection personnel shall visually observe Trip Hazards, take field measurements, and record pertinent data that includes but is not limited to: Date of Inspection, Severity of Trip Hazard (Minor or R&R), Location, Probable Cause, Recommended Repair, and Owner/Assumed Responsible Party. Pictures shall be taken of all trip hazards classified as R&R Trip Hazards.

8. Remove and Replace (R&R) Trip Hazard Repair.

8.1. Upon identification of an R&R Trip Hazard in accordance with the inspection policy set forth herein, a Notice to Repair shall be provided to the Owner responsible in accordance with the Sonoma Municipal Code and California Streets and Highways Code Section 5611 et. seq. (Notice to Repair). The Owner may perform required R&R Trip Hazard repairs or hire the services of a licensed contractor to perform same. In either case, the Owner is required to obtain an encroachment permit from the City for any Sidewalk repair or replacement in the public right-of-way in accordance with the Municipal Code. The Correction Notice shall be in the form required by California Streets and Highways Code Section 5611 et. seq.

8.2 The City may, but is not required to, in any budget year, budget funds to permit the City to provide an incentive for the rapid repair by Owners of identified R&R Trip Hazards pursuant to the City's inspection program. In the event that the City has budgeted and has remaining funds in any year, the City may, but is not required to, provide a cost reimbursement to the Owner of up to One Thousand Dollars (\$1,000.00) or fifty percent (50%) of the cost to repair the Sidewalk identified in the Notice to Repair whichever is less. Said potential cost share shall be noted in the Notice to Repair which shall also indicate that said cost shall be on a first come first serve basis and when budgeted funds are exhausted shall not be provided to any remaining Owners receiving the Notice to Repair. In the event that the City has not budgeted funds or in the event that budgeted funds have been exhausted, the City shall not provide any cost share reimbursement to Owners related to Trip Hazard Repair. Cost share reimbursement shall only be provided for receipted work by a licensed contractor working under a valid encroachment permit. Owner-performed or self-help repairs will not be eligible for the cost share reimbursement.

8.3 Repairs shall be implemented in accordance with City Standards and Best Management Practices. Asphalt or cement grout patches shall not be allowed. When practical, the probable cause of the trip hazard shall be addressed to prevent reoccurrence of the problem. In some cases, the most appropriate R&R Trip Hazard repair will only mitigate the trip hazard and not the probable cause.

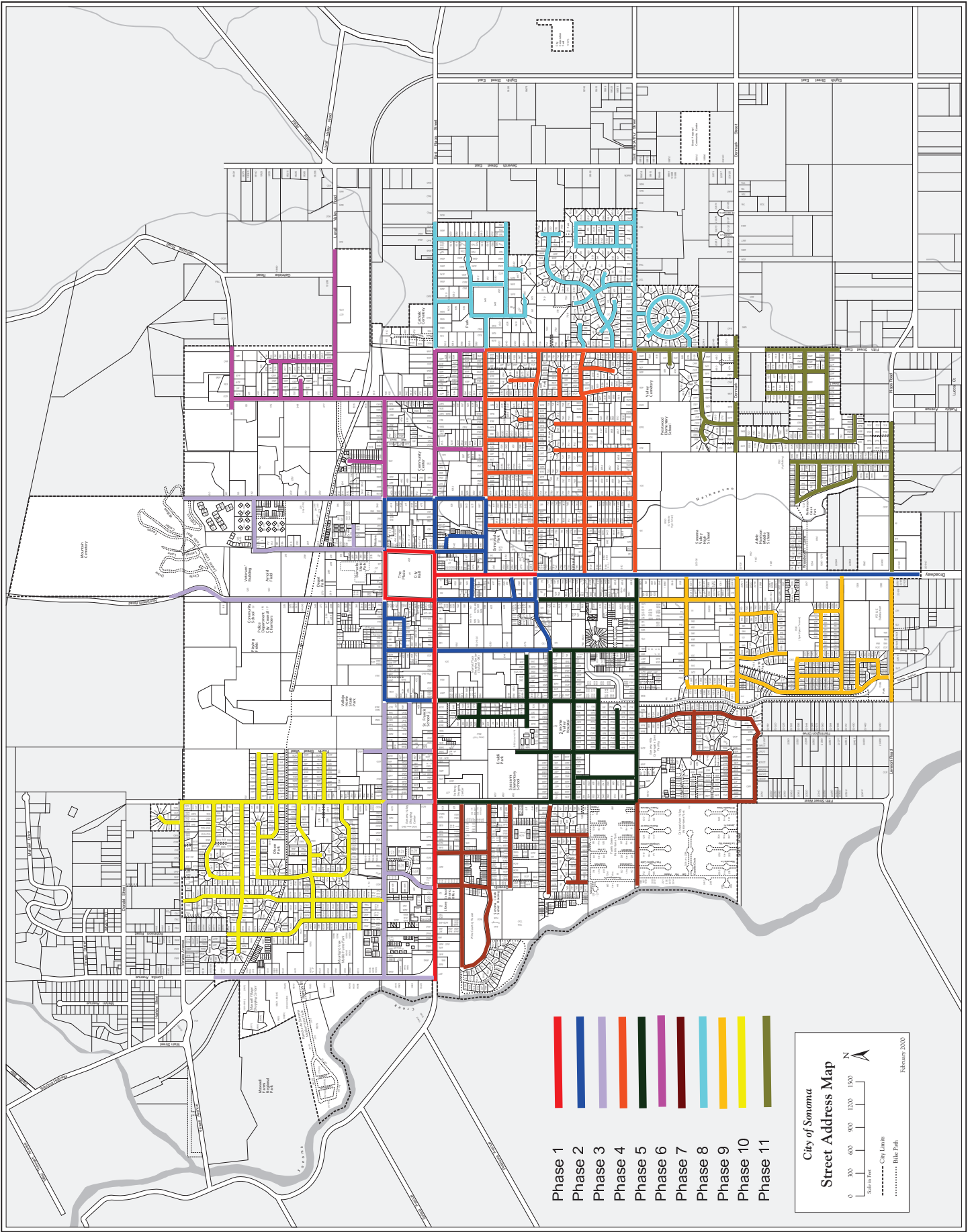
9. R&R Trip Hazard Repairs; Report, and Special Assessment Lien.

9.1 If any Owner refuses or neglects to make such repair, reconstruction or improvement when required and directed in conformity with the provisions of this policy and applicable codes, the Public Works Director or designee shall cause such repair, reconstruction or improvement to be made, and any and all costs reimbursed to the City. Upon completion of the Trip Hazard repair, the Public Works Director shall prepare a report specifying the repairs, reconstruction or improvements which have been made, the cost of the work, a description of the fronting real property on which the R&R repair work has been undertaken, and the amount against each lot or parcel of land proposed to become a special assessment and lien to pay the cost of such work.

9.2 In the event that the City performs such work in accordance with section 9.1 above, the procedure for repair and hearing as set forth in California Streets and Highways Code Section 5615 et. seq. shall be followed. The collection of cost of repair and lien shall be made in accordance with California Streets and Highways Code Section 5625 et. seq.

Attachments:

- (1) California Vehicle Code 5600 et seq
- (2) Sonoma Municipal Code Chapter 12.12



- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5
- Phase 6
- Phase 7
- Phase 8
- Phase 9
- Phase 10
- Phase 11

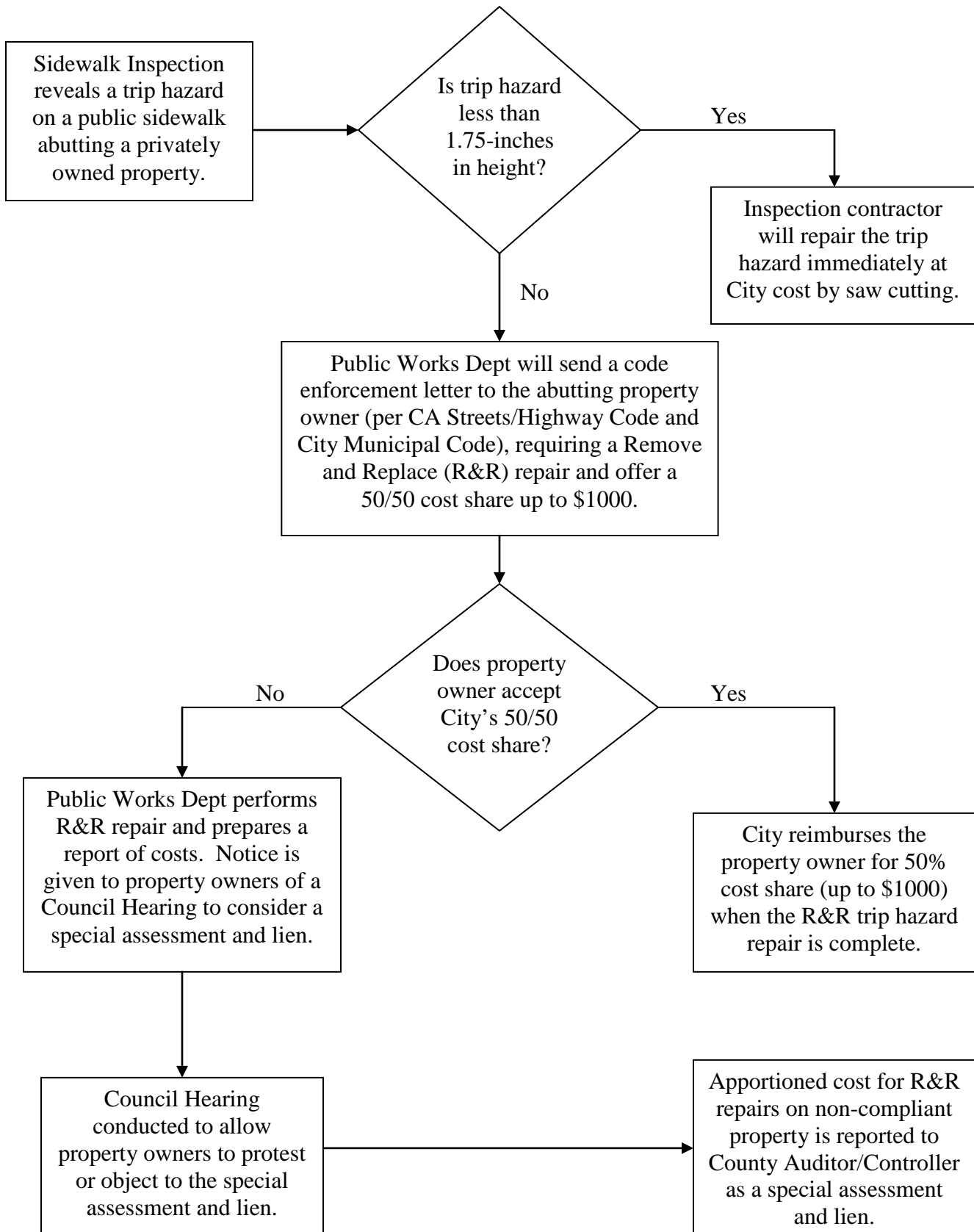
City of Sonoma
Street Address Map

0 300 600 900 1200 1500
Feet

----- City Limits
..... Bike Path

February 2020

Decision Tree for Sidewalk Trip Hazard Repair



City of Sonoma Municipal Code Sections 12.12.110 through 12.12.130

12.12.110 Sidewalk repair.

It is unlawful for any person, firm or corporation owning any building, lot or premises in the city, fronting on any portion of an improved street or way where a sidewalk is laid to allow any portion of such sidewalk in front of such building, lot, or premises to be out of repair, or to become, be or remain defective, or to become, be or remain dangerous to the users thereof for any reason. Such person, firm or corporation must at all times keep each such sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic. (Ord. 251 § 5, 1955).

12.12.120 Driveway repair.

It is unlawful for any person, firm or corporation owning property within the city into which is constructed a driveway to fail to keep such driveway or driveway approach in a good state of repair at all times. (Ord. 251 § 6, 1955).

12.12.130 Maintenance of sidewalks, driveways and driveway approaches.

The provisions of Sections 5600 through 5630 and Sections 5870 through 5894, inclusive, of the Streets and Highway Code of the state of California, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways, and driveway approaches in the city. For the purposes of this chapter, "sidewalk" as defined in Section 5600 of the code shall also include a "driveway" and a "driveway approach."

The existence of dirt sidewalks and curbs or gutters or the lack of adequate sidewalks, curbs and gutters adjacent to dwellings and other buildings within the city is, because of the lack of adequate drainage, the lack of an exact demarcation of the division between streets and sidewalks and the lack of protection of the margin of paved streets, declared to be dangerous to the public health and safety of the inhabitants of the city and injurious to the paved streets. (Ord. 251 § 7, 1955).

STREETS AND HIGHWAYS CODE
SECTION 5600-5618

5600. As used in this chapter "sidewalk" includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

5601. This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that 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 or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not

commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.