**Sidewalk Management Program**

**Instructions**

The following sample program is provided to assist you with the preparation and implementation of an effective sidewalk repair and replacement program.

You will need to provide information in several areas within the program. The information needed will be indicated by BLUE TEXT. Other areas of the program may need to be modified or eliminated depending on your organization.

**Name of Entity**

**Sidewalk Management Program**

**Insert Date**

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# Introduction

The NAME OF ENTITY has an extensive network of public sidewalks. Public sidewalks may vary in age and in quality of condition. Not every inequality or irregularity in the surface rises to the level of a defect. We recognize that some sidewalk conditions can create unreasonable hazards for pedestrians and other sidewalk users.

The City/Town [CHOOSE ONE AND DELETE THE OTHER THROUGHOUT] has limited employee and financial resources and cannot reasonably replace all sidewalks needing replacement or repair within the same year the sidewalk is identified as needing replacement or repair. Sidewalk replacement and repair can be costly. Comprehensive sidewalk surveys are expensive and require the use of limited City/Town personnel and other resources. Under appropriate circumstances, some or all of the cost of sidewalk replacement may be absorbed by the City/Town. Under the [California Streets and Highway Code, Sections 5610-5618](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=SHC&division=7.&title=&part=3.&chapter=22.&article=2.), it is the duty of abutting property owners to keep sidewalks in good repair and safe for pedestrians.

Accordingly, the INSERT DEPARTMENT NAME must exercise both discretion and professional judgment in determining whether and when sidewalks need to be replaced or repaired. The City/Town expects that its agents, employees, and City/Town officials will exercise discretion in identifying conditions requiring replacement and repair, in the scheduling of replacement and repair, and in establishing priorities for replacement and repair.

# Purpose

To ensure all sidewalks are safe and accessible, this Sidewalk Management Program (Program) has been established. This Program describes the procedures for the timely identification of walkway defects; obstacles to accessibility; and effective repair, replacement, and maintenance of the City’s/Town’s pedestrian paths of travel.

# Scope

The Program applies to all improved walkways, sidewalks, and/or trails located within and under the control of the City/Town.

# Responsibility

The TITLE OF PERSON RESPONSIBLE is responsible for the administration and implementation of the program. This includes, but is not limited to:

* Determining the schedule, staging, and prioritization for the sidewalk inspection and repair work covered by this Program. Decisions may be based on, but not limited to, these factors:
1. Severity of the hazard;
2. Volume of pedestrian traffic;
3. Americans with Disabilities Act (ADA) accessibility;
4. Proximity to downtown businesses;
5. Proximity to schools or senior centers; and
6. Availability of City/Town resources.
* Maintaining the hazard inspection logs.
* Scheduling hazard mitigation or other prescribed action resulting from inspection or citizen complaints/notification.
* Communicating with property owners.

# Inspections

Sidewalks are inspected based on the following criteria:

* Prescribed annual inspections of zones identified on the grid map (Appendix B) on a rotating basis
* Areas designated as a safe route to school visually screened annually
* Citizen sidewalk service requests
* Sidewalk service requests involving an injury or accident responded to within 24 hours of notification
* Public Works, Building Inspector, or Code Enforcement employees who identify sidewalk hazards in the course of their duties
* Periodic inspections conducted INSERT FREQUENCY

The California [Government Code §830](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=830.) defines a dangerous condition as a condition of property that creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.

The following is a guide to determine a dangerous condition:

* Height differential of ¾” or less = probably trivial defect
* Height differential of ¾” or more = might be “dangerous”

The inspection process includes:

* Timely investigation upon receipt of a complaint
* Documented inspections
* Documented property owner notification when notification is appropriate
* Development of a corrective action plan
* Documented corrective action

A plan of action will be developed from the inspection process that targets our more hazardous sidewalks for repair/replacement to reduce the potential for an incident to occur resulting in an injury or a claim for damages.

Our procedure is to document inspections and repairs/replacement of all sidewalks. A photo/video of the sidewalk that is in need of repair will be taken:

1. Prior to the repair
2. After warning/protections are put into place
3. After the repair or replacement phase is completed

Photographs

The condition of the sidewalk will be photographed with a digital camera before the work is started to provide evidence in case a claim for damages occurs from the abutting property owner after the sidewalk is repaired/replaced. Images of damaged sidewalks will include:

* The surrounding area(s) (i.e., trees, shrubbery, lawn fixtures, driveway approaches, and lawn).
* Utilization of a tape measure or an object for scale.
* A straight edge may be used to help with documenting width and depth. If a straight edge is used, it should be at least 36” in length.

# Inspection Criteria

Sidewalk inspectors should look for conditions likely to inhibit pedestrian access or cause injuries. The list of common sidewalk maintenance problems may include, but is not limited to:

Step separation

A vertical displacement of 0.5[[1]](#footnote-1) inches or greater at any point on the walkway that could cause pedestrians to trip or prevent the wheels of a wheelchair or stroller from rolling smoothly.

Badly cracked concrete

Examples include holes and rough spots ranging from hairline cracks to indentations wider than 0.5 inches.

Spalled areas

Fragments of concrete or other building material detached from larger structures.

Settled areas that trap water

Such as sidewalk segments with depressed areas, reverse cross slopes, or other indentations that make the sidewalk path lower than the curb. These depressions trap silt and water on the sidewalk and reduce the slip resistant nature of the surface.

Tree root damage

Roots from trees growing in adjacent landscaped areas that cause the walkway surface to buckle and crack. During a sidewalk installation or repair, the roots of a tree may be impacted. A qualified individual, such as an arborist, may be called upon to inspect the tree to see if it is structurally stable after cutting the roots. If the tree is not stable it will be removed or structurally supported to prevent the tree from falling.

Vegetation overgrowth

Ground cover, trees, or shrubs on properties or setbacks adjacent to the path that have not been pruned can encroach onto the path and create obstacles. Vegetation that takes root in sidewalk section seams and cracks can create trip hazards and barriers to access.

Obstacles

Objects located on the sidewalk, in setbacks, or on properties adjacent to the sidewalk that obstruct the passage space. Obstacles commonly include trash receptacles, utility poles, newspaper vending machines, and mailboxes.

General Safety

Any safety issue that a pedestrian or sidewalk inspector believes should merit attention, such as:

* Blocked drainage inlets and inadequate flow planning
* Temporary construction interruptions
* Inadequate patching after utility installation

*\*Source: DOT Best Practices Design Guide for Bicycle and Pedestrian Program*

See [California Streets and Highway Code, Sections 5610-5618](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=SHC&division=7.&title=&part=3.&chapter=22.&article=2.) for specific language.

Upon determination that a public nuisance exists on any lot or premises or upon any sidewalk, an authorized City/Town employee will issue a notice to the homeowner or business owner to abate such nuisance(s). The notice to abate the public nuisance may be served by posting the notice at the property or by other means.

# Repair or Replacement Procedure

* Conduct an initial investigation within a reasonable timeframe upon the City/Town (i.e. Public Works, Risk Management) receiving a complaint/notification.
* Identify the areas needing repair with high-visibility fluorescent (i.e. orange) paint.
* Take the damaged section out of service through the use of barricades, appropriate posted signage, and pedestrian traffic detours to other sidewalk(s) if necessary.
* Establish a repair priority.
* Enter repair request into the work order system.
* Use most appropriate repair method (see Repair and Replacement Options Section).
* Update the work order system as needed to identify action(s) taken.
* Close out the work order once the repair or replacement is complete.

# Repair and Replacement Options

The following options are available for repairing/replacing sidewalks (each repair process has limitations):

Asphalt Overlay: Asphalt overlays are effective as a temporary measure to smooth the surface of the concrete if the concrete is severely spalled or cracked.

Crack Filling: Crack filling is a process that fills cracks and voids with concrete in order to even out the surface.

Concrete Grinding: Concrete grinding is the process used to remove the upper surface of a slab of concrete by using an abrasive machine.

Concrete Saw Cutting: Concrete saw cutting is the cutting from edge to edge of the sidewalk to eliminate the trip hazard.

Mud Jacking: Mud jacking is used to correct differential settlement between concrete panels. It is appropriate where individual panels are in relatively good condition but have settled adjacent to one another.

Removal and Replacement: Sidewalk removal and replacement is appropriate if severe damage has occurred to the sidewalk that cannot be corrected by one of the methods described above.

# Priority Levels

Priority levels for sidewalk repair and replacement are determined as follows:

1. Low — Visible, but not a concern
2. Moderate — Minor hazard, some maintenance
3. High — Safety hazard, maintenance or replacement
4. Extreme — Hazardous, priority replacement

Greater importance is assigned to areas such as school zones, senior centers, extreme hazards, business districts, and high walking traffic zones.

# Sidewalk Warnings

Prior to a sidewalk being repaired or replaced, crews may install warnings on or near the damaged area of the sidewalk to warn pedestrians of a sidewalk defect. Warnings may include, but are not limited to the following:

* High-visibility paint
* *CAUTION* cones
* *CAUTION* tape
* Barricades

# Financial Responsibilities

OPTION 1:

Crack filling, grinding, cutting, mud jacking and asphalt overlay are generally provided by the City/Town at no cost to the property owner. Concrete replacement is the sole responsibility of the property owner in residential or commercial areas. Residential properties will not be charged for concrete repairs on curbs or sidewalks flanking their property (curbs or sidewalks along the long side of a corner lot). New developments are expected to replace concrete at 100% their cost if required.

Property owners have the following options available to accomplish sidewalk replacement:

1. They may do the work themselves. If this option is chosen, they will be required to obtain an encroachment permit from the City/Town. The work must be performed in accordance with City/Town standards.
2. They may hire a licensed contractor to perform the work. Permit and work standards are applicable as stated above.
3. They may have the City repair the sidewalk at their expense. Permit and inspection fees will be included in the cost of repair.

Property Owner Notification – Sidewalk Replacement

To allow property owners time to set aside funds for a possible assessment as a result of the sidewalk improvement program, advance notice will be given to the property owners who are affected using the Sidewalk Repair Notice (Appendices D and E). These notices may be sent by posting it at a conspicuous place on the land or premises or the abutting public right-of-way; by personal service on the owner, occupant, or person in charge or control of the property; or by sending a copy by certified mail to the property owner. See Appendix A for additional details on methods for property owner payments.

A mechanic’s lien may be placed on properties for non-payment.

OPTION 2 – SHARED COST:

Crack filling, grinding, cutting, mud jacking, and asphalt overlay are generally provided by the City/Town at no cost to property owner. Concrete replacement is generally charged on INSERT PERCENTAGE% property owner and INSERT PERCENTAGE% City basis for spot repairs in residential or commercial areas. Residential properties will not be charged for concrete repairs on curbs or sidewalks flanking their property (curbs or sidewalks along the long side of a corner lot). New developments are expected to replace concrete at 100% of their cost if required. See Appendices A and F for additional details.

A mechanic’s lien may be placed on properties for non-payment.

OPTION 3:

Crack filling, grinding, cutting, mud jacking, asphalt overlay, or replacement is provided at no cost to the property owner. New developments are expected to replace concrete at 100% of their cost if required.

Property Owner Notification – Sidewalk Replacement

To allow property owners in new developments time to set aside funds for a possible assessment as a result of the sidewalk improvement program, advance notice will be given to the property owners who are affected using the Sidewalk Repair Notice (Appendices D and E). These notices may be sent by posting it at a conspicuous place on the land or premises or the abutting public right-of-way; by personal service on the owner, occupant, or person in charge or control of the property; or by sending a copy by certified mail to the property owner.

Follow-Up Procedures

The City/Town will follow-up within INSERT NUMBER OF DAYS days of notification to ensure the sidewalk defect has been mitigated or corrected.

# Incident/Accident Reporting Procedures

* Notify INSERT DEPARTMENT of an injury that results from a sidewalk trip and fall.
* INSERT DEPARTMENT will investigate the injury allegation to determine the facts.
* When needed, INSERT DEPARTMENT will coordinate with other departments to investigate issues with sidewalk complaints and to evaluate any needed repairs.
* INSERT DEPARTMENT will notify the City’s/Town’s third-party liability claims administrator when a claim is filed.

# Record Keeping

All documentation and photos of sidewalk inspections, complaints, notifications, replacements, and repairs are to be maintained by the INSERT DEPARTMENT. Records will be retained per the City’s/Town’s record retention policy.

**APPENDIX A - PARTIAL LIST OF METHODS TO PARTNER WITH THE PROPERTY OWNER FOR SIDEWALK REPAIRS**

CAL STREETS & HIGHWAYS CODE SECTIONS 5610 – 5618:

[Notice to repair → entity repair → sends owner bill → lien and collection → goes onCity/Town tax rolls → becomes a tax lien → foreclosure]

* Use entity labor (reduced rate) and property owner’s materials
* Advance the money for repair, and then seek reimbursement from owner (in a mutually agreeable manner)
* Waive the fee for the encroachment permit
* Accept periodic or monthly payments from owner
* Accept payment after sale or refinance of property
* Accept payment after death from proceeds of an estate
* Establish a separate “revolving fund” for sidewalk repair – proceeds from payments from property owners or other entity sources (money earns interest)
* Issue bonds for sidewalk repair
* Share liability only with commercial business owners and not residential owners
* Decide not to seek payment or repair from the property owner at all (if nonprofit entity, the elderly, the disabled, or persons on fixed income, etc.)

**APPENDIX B – SIDEWALK MANAGEMENT GRID MAP**

[Insert grid map here]

**APPENDIX C – Sidewalk Management Criteria Chart**

The following criteria will be used to maintain sidewalks:

|  |  |
| --- | --- |
| **Sidewalk Condition** | **Action**  |
| 1. Sidewalk vertical displacement less than ½”
 | None taken  |
| 1. Sidewalk vertical displacement between ½” and 1 ½”
 | Sidewalk is ground or sliced smooth when the integrity of the sidewalk is good. If the sidewalk is in poor condition, it will be removed and replaced with new concrete. |
| 1. Sidewalk vertical displacement greater than 1 ½”
 | Sidewalk is removed and when funding is available plain cement concrete (PCC) will be poured back in place. If funding is limited, the City/Town may elect to use asphalt in place of PCC. When asphalt concrete (A/C) is used instead of PCC the City/Town will place the repaired location on a list to ensure replacement with PCC at a later date when funding is available. |
| 1. Sidewalk cracked, creating an uneven and lifted surface
 | Sidewalk is removed and replaced in next scheduled zone or City-Town-wide sidewalk maintenance project.  |
| 1. Sidewalk shows breaking, cracking, spalling of concrete to a depth or width of ½” or greater
 | Repair specific to structural failure. Concrete patch may be used. |
| 1. Objects, grates, or sidewalk condition or width are a barrier to accessibility for pedestrians, mobility or visually impaired persons
 | Finding provided to ADA Coordinator and prioritized for remediation consistent with the City’s/Town’s ADA transition plan. |
| 1. \*Uplifted curb and gutter (where the curb and gutter are displaced and/or ponding water is undermining the adjacent pavement)
 | Will only be replaced if the homeowner shares in the cost of the work. |
| 1. “Uplifted curb and gutters (where the curb and gutter are displaced in a way and in a location that will cause either vehicle damage or hindrance to pedestrian travel.
 | Location is added to the curb and gutter list for removal and replacement. |

\*Uplifted or damaged curb and gutter is not a priority; the City’s/Town’s first priority is to address curb and gutter conditions that interfere with access to the pedestrian walkway areas and limits access to main path of travel. Ponding water in the gutter pan only becomes a priority when the water affects the stability and integrity of the adjacent pavement section as water in the pavement sub grade will deteriorate the service life of City/Town streets.

**APPENDIX D**

[Date]

**SIDEWALK REPAIR NOTICE – FIRST NOTICE**

[Name of Property Owner]

[Street Address]

[City, State Zip Code]

RE: Sidewalk Management Program – First Notice to Repair

Dear Property Owner:

Your property located atENTER PROPERTY ADDRESS was recently inspected under the City’s/Town’s Sidewalk Management Program. As such, portions of the sidewalk have been marked for repair and/or replacement.

The State of California, Streets and Highway Code, Section 5610 states property owners shall maintain any sidewalk fronting their property in such condition that will not endanger persons or property and maintain it so that it will not interfere with public convenience.

Upon receipt of this notice, we are requesting that you take action as soon as possible to correct the hazard. The marked sidewalk area on your property has the potential of tripping pedestrians, resulting in personal injury and possible liability.

You have the following options available to accomplish the repair:

1. You may do the work yourself. If you choose to do this, it will be necessary for you to obtain an encroachment permit from the City/Town. The work must be performed in accordance with City/Town standards. Permits can be obtained at the INDICATE THE DEPARTMENT AND STREET ADDRESS WHERE PERMITS MAY BE OBTAINED.
2. You may hire a licensed contractor to perform the work. Permit and work standards are applicable as stated above.
3. You may have the City/Town repair the sidewalk at your expense. Permit and inspection fees are included in the cost of repair.

If the repair, or a response to the City/Town, with intention to repair, is not initiated **within two weeks** of this notice, the City/Town will add the sidewalk area to a scheduled list of repair work. Any costs incurred for the repair of the sidewalk will be at your expense. Failure to pay may result in a lien being placed on the property.

If you have any questions or concerns regarding this matter, please contact me at INSERT CONTACT INFORMATION.

Sincerely,

**APPENDIX E**

[Date]

**SIDEWALK REPAIR NOTICE – SECOND NOTICE**

[Name of Property Owner]

[Street Address]

[City, State, Zip Code]

RE: Sidewalk Management Program – Second Notice to Repair

Dear Property Owner:

Your property located atENTER PROPERTY ADDRESS was inspected under the City’s/Town’s Sidewalk Management Program. As such, portions of the sidewalk on your property have been marked for repair and/or replacement.

A notice to repair the sidewalk was sent to your property on INSERT DATE. This second notice is to bring to your attention that the sidewalk on your property has not been repaired. Per the State of California, Streets and Highway Code, Section 5610, property owners shall maintain any sidewalk fronting their property in such condition that will not endanger persons or property and maintain it so that it will not interfere with public convenience.

Upon receipt of this notice, we are requesting that you take action to correct the hazard. The marked sidewalk area on your property has the potential of tripping pedestrians, resulting in personal injury and possible liability.

You have the following options available to accomplish the repair:

1. You may do the work yourself. If you choose to do this, it will be necessary for you to obtain an encroachment permit from the City/Town. The work must be performed in accordance with City/Town standards. Permits can be obtained at the INDICATE THE DEPARTMENT AND STREET ADDRESS WHERE PERMITS MAY BE OBTAINED.
2. You may hire a licensed contractor to perform the work. Permit and work standards are applicable as stated above.
3. You may have the City/Town repair the sidewalk at your expense. Permit and inspection fees are included in the cost of repair.

If the repair, or a response to the City/Town, with intention to repair, is not completed **within two weeks** of this notice, the City/Town will add the sidewalk area to a scheduled list of repair work. Any costs incurred for the repair of the sidewalk will be at your expense. Failure to pay may result in a lien being placed on the property.

If you have any questions or concerns regarding this matter, please contact me at please contact me at INSERT CONTACT INFORMATION.

Sincerely,

**APPENDIX F – SHARED COST PROGRAM**

**Shared Cost Sidewalk Program Overview**

The Shared Cost Sidewalk Program offers a cost per square foot charged to property owners well below what a private contractor would charge. Senior citizens and persons with disabilities may qualify to receive an additional discount.

The scope of a Shared Cost Sidewalk Program project is limited to sidewalks within the public right-of way, and may include the main walk, the sidewalk through a driveway, the existing courtesy walk (which runs perpendicular from the main sidewalk to the curb), and existing landing steps (the small strip of concrete sometimes found adjacent to the curb). Sidewalks on private property will only be included if needed for transition purposes; otherwise it is NOT eligible for replacement under the Shared Cost Sidewalk Program. Owners of corner properties will be charged for sidewalks on both the main (address) side and the non-address side of the property. However, these property owners can contact the City/Town and elect to have only one side of their property surveyed for the program. The City/Town will continue to build ADA-compliant corner ramps where applicable, with the City/Town paying the entire cost of the ramps.

Replacement of sidewalk is based on engineering considerations. In order to minimize the cost to property owners and increase the number of Shared Cost Sidewalk Program participants, only the portion of sidewalk in need of replacement as determined by the City/Town is eligible for the Shared Cost Sidewalk Program pricing. The property owner does have the option to replace the entire sidewalk in front of the property. However, the entire cost to remove and replace the portion of sidewalk determined by City/Town to be in good condition will be charged to the property owner. NO senior or persons with disabilities discount will be applied to this work. To clarify, the City/Town will not pay for removal and replacement of sidewalks in good condition.

Due to significant participant interest, the removal and replacement of permitted driveway aprons (the portion of driveway between the sidewalk and curb) can be added to the project. However, the entire cost to remove and replace the driveway apron will be charged to the property owner. No senior or persons with disabilities discount will apply to this work. To clarify, the City/Town will not share the cost for removal and replacement of driveway aprons.

Applications for this Program will be taken on a first-come, first-served basis. The number of participants is based on availability of funds each fiscal year. Applications will only be accepted through the City’s/Town’s 311 system by calling 311 or through the service request website INSERT WEBSITE LINK.

When making your request:

* Specify that you want to participate in the Shared Cost Sidewalk Program.
* If you currently do not have a courtesy walk or landing step and would like one installed, this should be mentioned at the time of request. Installation is subject to engineering recommendation.
* If you are interested in removal and replacement of the driveway apron, this should be mentioned at the time of request.
* You must give the property owner’s complete name, a contact phone number, email address if available, and the property’s complete address.

Please note that Shared Cost Sidewalk Program applications that are missing any of the requested information may not be processed.

Once the program budget amount is met, the program will close for the fiscal year. Applicants will be notified via U.S. mail indicating whether they have been included in the Shared Cost Sidewalk Program. Applicants included in the program will receive a bill indicating the property owner amount due. Payment in full must be made to the City’s/Town’s Department of Finance within the timeframe indicated on the bill in order for work to proceed. The Shared Cost Sidewalk Program continues to provide great value to property owners while helping improve neighborhoods. Should you have any questions, please contact [insert contact information].

**APPENDIX G**

**Shared Cost Sidewalk Program Frequently Asked Questions**

The Shared Cost Sidewalk Program is a voluntary program in which property owners and the INSERT NAME OF ENTITY share the cost of replacing sidewalks.

The Shared Cost Sidewalk Program offers a cost per square foot charged to property owners well below what a private contractor would charge. Senior citizens and persons with disabilities may qualify to receive an additional discount. The approximate cost to a property owner of an average mid-block property will range from INSERT MONETARY RANGE. These prices are significantly below what a private contractor would charge.

**How does the process work?**

* + - 1. Applicants for the Shared Cost Sidewalk Program will only be accepted through the City’s/Town’s 311 system by calling 311 or through the City’s/Town’s service request website INSERT WEBSITE LINK. Note the following:
* Make sure to specify that you want to participate in the Shared Cost Sidewalk Program.
* Specify if you (the property owner) are a senior or disabled citizen. Seniors and/or disabled citizens may qualify for a 50 percent discount on the Shared Cost Sidewalk Program cost.
* If you currently do not have a courtesy walk (which runs perpendicular from the main sidewalk to the curb) or landing step (the small strip of concrete sometimes found adjacent to the curb) and would like one installed, this should be mentioned at the time of request. Installation is subject to engineering recommendation.
* If you are interested in removal and replacement of the driveway apron (the portion of driveway between the sidewalk and curb), this should be mentioned at the time of request.
* You must give the property owner’s complete name, a contact phone number, email, address if available, and the property’s complete address.
* Please note that Shared Cost Sidewalk Program applications that are missing any of the requested information will not be processed.
	+ - 1. Applications will be taken on a first-come, first served basis. The number of participants is based on availability of funds for the fiscal year. Once capacity is reached, requests for participation in the program will no longer be accepted and property owners will have to apply to the program the following fiscal year. Applicants will be notified via U.S. mail indicating whether they have been included in the Shared Cost Sidewalk Program. Also check our website INSERT WEBSITE LINK for program updates.
			2. The City/Town will survey the area to determine the scope and cost of reconstruction. Sidewalk replacement is based on engineering considerations. Based on the survey. it may be determined that some locations meet City/Town standards and will not require reconstruction.
			3. If it is determined that the property is eligible for the Shared Cost Sidewalk Program, the City/Town will send a cost estimate for the work to the property owner. If interested, payment in full must be made to the INSERT WHERE PAYMENT IS TO BE SENT within the timeframe indicated on the cost estimate (approximately 45 days).

Payment can also be made in person at the INSERT WHERE PAYMENT CAN BE MADE. Once payment is submitted, you may contact INSERT CONTACT INFORMATION to verify payment has been received.

* + - 1. If you are eligible for a senior citizen or persons with disability rate that was not applied to your estimate, contact INSERT CONTACT INFORMATION. A revised cost estimate will be issued to the property owner reflecting the discount once the required documentation has been received and verified. Payment must be submitted within the timeframe indicated on the original cost estimate.
			2. Cost estimates are only valid for the timeframe indicated on the estimate (approximately 45 days). Payment in full must be made to the INSERT WHERE PAYMENTS CAN BE SENT within this timeframe in order for work to proceed.
			3. The work will begin as soon as resources are available.

**Who is eligible to participate?**

All property owners with non-vaulted sidewalks are eligible to participate. Custom sidewalks (e.g., granite, colored, custom designs, etc.), vaulted sidewalks, and private property sidewalks are not eligible to be included in the program.

**Who is eligible for the senior or disabled discount?**

Seniors (age 65 or older) or disabled owner-occupants of non-commercial properties of four units or less.

**What information is required to receive the senior or disabled rate?**

Seniors age 65 or older must provide proof of age, ownership, and occupancy:

* Age: birth certificate or driver’s license or 2nd installment tax bill showing senior exemption
* Ownership: tax bill (2nd installment) or title deed
* Occupancy: voter’s card or utility bill

Persons with disabilities must provide proof of ownership, occupancy, and disability:

* Ownership: tax bill (2nd installment) or title deed
* Occupancy: voter’s card or utility bill
* Disability: Must provide one of the following:
	+ Disability benefits received from Social Security Administration, Veterans Administration, Civil Service, or Railroad Retirement

Documentation verifying the senior citizen or persons with disabilities rate should be submitted by one of the following options:

* Fax to: INSERT FAX NUMBER
* Email to: INSERT EMAIL ADDRESS
* Mail to:

Shared Cost Sidewalk Program

INSERT MAILING ADDRESS

For any assistance with or questions regarding the senior citizen or persons with disabilities rate, please contact INSERT CONTACT INFORMATION.

**What does the scope of work include?**

The scope of the Shared Cost Sidewalk Program is limited to sidewalks within the public right-of way and may include replacing the main sidewalk in front of the property, the sidewalk through a driveway, the existing courtesy walk (the smaller walkway that runs perpendicular to the main walk, from the main walk to the curb) and existing landing steps (the small strip of concrete sometimes found adjacent to the curb). Sidewalk on private property will only be included if needed for transition purposes; otherwise it is NOT eligible for replacement under the Shared Cost Sidewalk Program. Owners of corner properties may be charged for sidewalk on both the main address side and non-address side of the property.

Replacement is based on engineering considerations. In order to minimize the cost to property owners and increase the number of Shared Cost Sidewalk Program Participants, only the portion of sidewalk in need of replacement as determined by the City/Town is eligible for the Shared Cost Sidewalk Program pricing. The property owner does have the option to replace the entire sidewalk in front of the property. However, the entire cost to remove and replace the portion of sidewalk determined by the City/Town to be in good condition will be charged to the property owner. NO senior or persons with disabilities discount will apply to this work. To clarify, the City/Town will not pay for removal and replacement of sidewalk in good condition.

**Will the driveway apron be replaced?**

If your driveway crosses the sidewalk, the Shared Cost Sidewalk Program scope of work may include the sidewalk through the driveway. Abandoned driveway aprons no longer in use will be removed and replaced with topsoil. Grass seed or sod will not be placed in these areas. Removing abandoned driveway aprons and replacing with topsoil will be charged to the property owner.

Due to significant participant interest, the removal and replacement of permitted driveway aprons (the portion of driveway between the sidewalk and curb) can be added to the project. However, the entire cost to remove and replace the driveway apron will be charged to the property owner. No senior citizen or persons with disabilities discount will apply to this work. To clarify, the City/Town will not pay for removal and replacement of driveway aprons.

**What if use and access of my driveway is affected by this work?**

Your access will only be interrupted if the sidewalk portion to be replaced falls within the driveway. You will be given notification of work affecting use of your driveway at least 24 hours in advance of removal. Affected driveways should not be used until the concrete has sufficiently hardened as evidenced by the removal of barricades. Typically, seven days of concrete curing is required.

**Will the area receive grass seed?**

No. Crews will not seed the area around the main walk, courtesy walk, and landing step if the soil is disrupted during construction.

**Will pavers or other structures in the parkway be reset when work is completed?**

Brick pavers, fencing, and planters or any other obstructions in the parkway may be removed during construction and will be loosely reset when construction is completed. Reinstallation of removed elements is the property owner’s responsibility.

**What if tree roots have damaged the existing courtesy walk or landing step?**

If necessary, the existing courtesy walk or landing step will be removed and replaced further away from the tree to help avoid future damage. If it is determined the courtesy walk or landing step cannot be either replaced in the current location or relocated, it will be replaced with topsoil. Grass seed or sod will not be placed on these areas. Removing courtesy walks or landing steps and replacing with topsoil will be charged to the property owner.

**What if there is a sprinkler system at the property?**

The City/Town is NOT responsible for sprinkler systems in the parkway or adjacent to the sidewalk. Property owners are advised to cut and cap the lines and remove any sprinkler heads that may be damaged during the Shared Cost Sidewalk Program work. Property owners should notify the City/Town of an existing sprinkler system in order to minimize any potential damage.

**Is there any warranty for the work?**

Yes. Sidewalk construction has a warranty of one year from the date of construction, covering significant deterioration of the sidewalk. (Note: Some small cracks, especially in sidewalk joints, are common. Since they are not caused by construction, they are not covered by the warranty).

**Is this bill final?**

This bill is based on measurements and is considered final. If it is later determined that more work is needed you will NOT be billed for that additional work. Furthermore, if the amount of work is reduced for any reason, your money will be refunded if the difference is $100 or greater.

Please contact our office INSERT CONTACT INFORMATION before sending your payment if you would like to request any changes to the scope of work represented on this bill.

If you have any additional questions, please contact INSERT CONTACT INFORMATION.

**APPENDIX H**

[DETERMINE IF THE ENTITY WISHES TO ADOPT THE SIDEWALK ORDINANCE AND MODIFY AS NEEDED]

**Sample**

**MAINTENANCE AND CONSTRUCTION OF SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS ORDINANCE**

**Title**

This chapter shall be known as the sidewalk ordinance.

**Scope**

This chapter sets forth rules and regulations to control the repair and construction of sidewalks, driveways, curbs and gutters, and the removal of obstructions from sidewalks, driveways, curbs and gutters; establishes the administrative procedures for issuance of permits; and provides for the control of obstructions placed where the construction, alteration or repair work is performed for the purpose of safeguarding persons and property against unreasonable hazards resulting from uncontrolled construction practices, in the interest of public health, welfare and safety.

**Property Owner Responsibility to Repair and Maintain Sidewalk**

1. The owner of a parcel of real property which fronts on any portion of a sidewalk between the property line of the parcel and the street line, including the parking strip and the curb, is responsible for the repair and maintenance of the sidewalk and shall pay/may pay the cost and expense of repair and maintain said sidewalk area whether or not the City/Town has notified the owner of the need for such repairs or maintenance or has performed similar repairs or maintenance in the past.
2. The owner of a parcel of real property is under a duty to members of the general public, including but not limited to users of the sidewalk, to keep the portion of any sidewalk described in subsection (a) in a safe condition.
3. The failure of the owner to fulfill the duties imposed by subsections (a) and (b), or the performance of such duties and obligations by the owner in a negligent manner, shall constitute negligence. An owner shall be liable to any member of the general public injured on or by a sidewalk area if the owner's negligence hereunder is a proximate cause of the injury. The City/Town shall not be liable for an injury caused by the negligence of an owner.

**Actions Prohibited**

It is unlawful for any person to perform any work within the scope of this chapter except for the removal of obstructions, without first having obtained an encroachment permit from the Department of Public Works pursuant to this chapter.

**Guarantee Deposit Fee**

A licensed contractor desiring a permit pursuant to this chapter must first deposit with the Director of Public Works a guarantee deposit fee as hereinafter provided. No fee is required when a homeowner desires a permit pursuant to this chapter to do work on the frontage of his own property.

The guarantee deposit shall be retained by the City/Town for a period of twelve months after the date of the completion of the work called for in the last permit issued, and no permit shall be issued unless such guarantee deposit shall be reimbursed by the depositor for any deductions made as provided in this chapter. If within twelve months after the completion of the work called for in any permit the sidewalk and/or curb and gutter and/or driveway should break, disintegrate or otherwise fail to comply with the provisions of this chapter, the Director of Public Works shall notify the person making the deposit of such break, disintegration, or failure, and specify the repairs needed or work to be done, and such person shall, within ten days from the date of such notice, make such specified repairs. If such repairs are not made within the fixed time, the same may be made by the Director of Public Works and the cost thereof shall be paid from the guarantee deposit on hand with the City/Town.

After a lapse of twelve months from the date of completion of work called for in the last permit issued to any permittee, upon written demand of such permittee, or his successors or assigns, where such transfers or assignment is made in the manner as hereinafter provided, accompanied by a certificate from the director of public works stating that all needed repairs have been made, and that all the conditions of this chapter have been complied with, the City/Town shall return the guarantee deposit, or such portion thereof as may remain after deduction of all fees for repairs and work done as aforesaid, to the permittee or his said successors or assigns.

**Transfer of Guarantee Deposit**

The guarantee deposit may be transferred to another party where such transfer is made pursuant to a judgment of court, or by an agreement of dissolution of a partnership or upon a bona fide sale of the business of the person having ceased to do work under the permit, and entitled to a return of the deposit as provided in this chapter. In the event of any transfer, the receipt for such deposit, or satisfactory proof of the loss of same, must be delivered to the Director of Public Works for verification. No transfer shall be made of the deposit other than as provided in this section.

In the event of a transfer of the guarantee deposit, such transfer shall in no way affect the liability of the deposit for any work done by the person transferring the deposit, nor shall it in any way affect the liability of such person under the provisions of this chapter.

**Permit**

The Director of Public Works shall charge a fee for each and every permit issued, in addition to inspection and engineering fees as hereinafter provided in this chapter. In no case shall a permit be granted to construct sidewalks, curbs and/or gutters where the council has declared its intention to construct such sidewalks, curbs and/or gutters under the general laws of the State of California, and also provided that in the event any of the terms or conditions of this chapter are not complied with, no further permit shall be issued to such person while noncompliance continues to exist, or while such person is indebted to the INSERT NAME OF ENTITY for money expended in accordance with the terms and conditions of this chapter.

**Inspection Fee**

It shall be the duty of the Director of Public Works to cause an inspection to be made of sidewalks, driveways, curbs and gutters constructed under the permit, to ascertain whether such work is being done, or has been done, in accordance with the provisions of this chapter and the permit issued therefor.

The Director of Public Works shall charge an inspection fee for all installations of sidewalk, driveway, curb or gutter as hereinafter provided.

**Transfer of Permit for Construction of Sidewalks, Driveways, Curbs or Gutters**

No construction and/or repair of sidewalks, driveways, curbs and/or gutters to be performed under a permit issued pursuant to this chapter shall be performed except by or under the supervision of the designated permittee, who shall also be the person who is responsible to the owner or contractor for the work. In the event that it shall be ascertained that any work is being done, or has been done, under a permit issued to anyone other than the person responsible to the owner for the work, and in the event it shall be proven that the use of the permit was with the knowledge and consent, express or implied, of the designated permittee, then the guarantee deposit made by such permittee shall become forfeited to the City/Town.

**Control of Work—Construction of Sidewalks, Driveways, Curbs and Gutters - Compliance With Permit and Adopted Specifications**

All sidewalks, driveways, curbs and/or gutters must be repaired and/or constructed in every particular in accordance with the permit therefor issued; must be completed within thirty days from the date of the permit, unless an extension of time thereon is granted by the director of public works. If all of the construction and/or repair work of any sidewalk and/or driveway is not completed at the expiration of the time allowed by the permit appertaining thereto, and in accordance with the terms of this chapter, the director of public works may notify the contractor to complete the work within two days, and if not so completed, the Director of Public Works is authorized to have the same done at the expense of the contractor, and his guarantee deposit, or as much thereof as may be necessary, shall be applied in payment therefor. Such work must be in accordance with such specifications as may be adopted by the INSERT NAME OF ENTITY, from time to time, for the construction and/or repair of sidewalks, driveways, curbs and/or gutters.

**Driveway Defined - Approved width.**

A "driveway" is defined as any approach leading to or from a street which passes over or upon the curbing, parking, or sidewalk area, for the purpose of a vehicular approach. Such driveway width shall not be less than twelve feet or more than twenty feet at the curb line except that with the approval of the Director of Public Works, such driveway may be constructed to a greater width.

**Elimination of Abandoned Driveway - Authority of Director of Public Works**

The Director of Public Works shall have the power and authority to determine that the use for which a driveway was constructed has been abandoned and give written notice requiring that, at the owner's expense, the curb, parkway and sidewalk shall be restored to its original condition, or that a curb be constructed if none previously existed and that the parkway and sidewalk be constructed to established grade.

**Notice**

Such notice, as required in previous section, shall particularly specify what work is required to be done, how the same is to be accomplished, and what materials shall be used. The notice shall be given personally by service upon the owner or person in possession of the property facing such driveway, or by placing such notice in the United States mail in a sealed envelope addressed to the person in possession of such property, or to the owner thereof, addressed to his last known address as the same appears on the last equalized assessment rolls of the INSERT NAME OF ENTITY, and when no address so appears, to general delivery, INSERT NAME OF ENTITY, with postage prepaid.

**Proceedings to Assess Costs**

If such work is not commenced within two weeks after such notice is given as aforesaid and diligently without interruption prosecuted to completion, the Director of Public Works shall proceed to cause such work to be done in the manner and pursuant to the provisions of this chapter.

**Temporary Obstructions.**

The permit granted pursuant to this chapter shall carry with it the right to place, or cause to be placed, upon the street adjacent to the place where the construction, alteration or repair work is to be performed, such materials or equipment as may be necessary for use in performing such work, provided, however, that such materials and equipment shall not occupy more than one-third of the roadway in front of the construction work, and shall be placed thereon subject to the direction and approval of the Director of Public Works. In no event shall the equipment or materials be placed within five feet of any railroad track. All materials, debris, and equipment shall be so placed as not to obstruct any gutterway, and shall be so cared for as to prevent material from being blown or otherwise carried into any gutterway, or any catch basin, or any portion of the street other than that lawfully occupied by such obstruction. No material or other obstruction shall be placed within fifteen feet of fire hydrants, which must remain at all times readily accessible to the fire department.

The permit shall prescribe the date when work shall begin, and the time of occupancy of the street, provided, however, that the Director of Public Works may order the materials, equipment and debris, or any portion thereof, to be removed within three days after written notice, and in the event the same is not removed within the time prescribed by the Director of Public Works, or in the permit, as the case may be, the Director of Public Works may cause the same to be removed and charge the costs thereof against the guarantee deposit. The placing of materials and equipment upon the street for the purpose of such construction work and the removal thereof shall be held to be part of such construction work. In the construction and/or repair of sidewalks, driveways, curbs and/or gutters, all rejected and refuse materials shall be removed immediately and all surplus materials shall be removed from the site within two days after completion of the work.

**Public Safety**

Whenever the construction or repair of sidewalks, driveways, curbs and/or gutters, or other improvement contracts or undertakings require the temporary occupancy of any portion of a public street or a public sidewalk and a permit has been granted for such occupancy pursuant to the provisions of this chapter, such permit and such occupancy shall be subject to the provision that permittee furnish and maintain such facilities as fences, barriers, "street closed" signs, lights and watchmen as may be necessary to provide adequate protection and prevention of avoidable accidents to the public.

Where such facilities or any of them are not provided or are out of service and an emergency exists that necessitates protective measures, the Director of Public Works, or his representative, may provide such facilities during the emergency and the cost thereof shall be paid by the permittee or deducted from any deposit made with the City/Town as a condition to the granting of such permit.

The Director of Public Works, or his representative, before taking the above-mentioned emergency action, shall take all steps reasonable under the circumstances to notify the permittee, or his known representative, of the existing conditions and allow such permittee to care for the same, provided he acts promptly and expeditiously.

**Removal of Obstructions**

Every owner of real property in the City/Town shall keep the entire width of the sidewalks in front of such property from curb to lot line, free and clear of all weeds, rubbish, debris, or other obstructions, excepting obstructions permitted by law, which from any cause whatever shall have accumulated or may accumulate upon the sidewalk above the established grade of the same.

The Director of Public Works may order the weeds, rubbish, debris, obstructions or materials to be removed within two weeks after written notice is given, and in the event same is not removed within the time prescribed by the Director of Public Works, the Director of Public Works may cause the same to be removed and the cost of the same shall be a lien on the property.

**Parking Strip**

It is unlawful to place loose rock, decorative stones or pebbles, bark, asphalt or any other surfacing not specified hereafter in any strip of land used and maintained for parking between any property line and street. It is lawful to pave with concrete, brick, or exposed aggregate concrete in such a parking strip by first obtaining a permit from the director of public works.

In any of the above-mentioned situations, the Director of Public Works may require that planting areas be left in the parking strip for the planting of street trees and may require the planting of such trees as a condition of such permit.

**Schedule of Fees**

The applicant shall pay to the City/Town in the office of the Director of Public Works such fees as may be established from time to time by resolution of the council of the City/Town in the following categories:

(a)

Permit Fee. A separate application and permit fee is required for each and every site.

(b)

Inspection Fee. Based on the total area of sidewalk, driveway and gutter and the linear feet of curb, as herein provided.

(c)

Engineering Services. When engineering services are necessary for the proper construction of improvements, such services shall be furnished by the Director of Public Works and fees shall be charged therefor.

(d)

Guarantee Deposit Fee. A deposit fee to guarantee contractor's work from any failure or breakage for a twelve-month period.

**Incorporation of Chapter 22, Improvement Act of 1911.**

The provisions of Chapter 22 of Part 3, Division 7, Streets and Highways Code of the State of California (cited as the "Improvement Act of 1911") are hereby expressly referred to and by such reference are made a part of this chapter.

**Incorporation of Chapter 27, Improvement Act of 1911.**

The provisions of Chapter 27 of Part 3, Division 7, Streets and Highways Code of the State of California (cited as the "Improvement Act of 1911") are hereby expressly referred to and by such reference are made a part of this chapter.

1. 2010 ADA Standards for Accessible Design, Section 303.3 [↑](#footnote-ref-1)