

ORDINANCE NO. 93-064

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF NOV 30 1993

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
TITLE 38 OF THE SACRAMENTO CITY CODE
RELATING TO SIDEWALK REPAIR**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 38.07.071 of the Sacramento City Code is hereby amended to read as follows:

38.07.071 Definitions.

As used in this division, the terms listed below shall have the meaning assigned them.

(a) **Director:** the Director of the Department of Public Works, or designee; "Director" shall have the same meaning as the terms "superintendent of streets" and "city engineer" as those terms are utilized in the Streets and Highways Code, Division 7, Part 3, Chapter 22, as those provisions now exist or are hereafter amended or renumbered.

(b) **Repair:** removal of all or a portion of the existing sidewalk, as specified by the Director, and replacement in kind to specifications established by the Director, to a plane surface equivalent to that which existed prior to any sidewalk damage.

(c) **Defective sidewalk:** a sidewalk where, in the judgment of the Director, the vertical or horizontal line or grade is altered or displaced to an extent that a safety hazard exists or the sidewalk is in such a condition as to endanger persons or property or is in such a condition as to interfere with the public convenience in the use thereof.

(d) **Person:** any natural person, a partnership, corporation, or other entity, public or private.

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(e) **Owner:** any person owning a lot, lots or portion of a lot within the City of Sacramento, and fronting on any portion of a public street, alley or place where a sidewalk exists.

(f) **Lot, lots or portion of a lot:** a parcel of real property located within the City of Sacramento, fronting on any portion of a public street, alley or place where a sidewalk exists. When used in connection with the words "fronting on the defective sidewalk", or variation thereof, it shall refer to the property in front of or along the side of the defective sidewalk.

SECTION 2.

Sections 38.08.078, 38.08.079 and 38.08.080 of the Sacramento City Code are hereby amended to read as follows:

38.08.078 Contents of notice.

The notice to repair shall, at a minimum, contain the following information:

- (1) that the sidewalk is a defective sidewalk;
- (2) the nature of the work required to be done, and the cost as estimated by the city;
- (3) the manner in which the work is to be done, including the specifications required by the city as to materials and workmanship; and
- (4) that if the repair is not commenced within the time specified in this division, or once commenced is not prosecuted diligently and without interruption to completion, the director shall immediately commence and complete the repair, and the cost thereof shall become a lien on the lot or lots of the owner, fronting on the defective sidewalk. The director shall, in the notice to repair, provide that the owner may elect to perform the repairs himself/herself, have the work performed by a licensed contractor, or have the work performed by the city, through a contractor selected by the city. The director shall include with the notice an agreement, in such form as is established by the director, which sets forth the election of the owner and the city's requirements with respect to the manner in which the repairs must be performed. The owner shall make the election on the agreement and shall execute it and return it to the director forthwith. If the owner elects to have the repairs performed by the city, the director shall cause the work to be performed by the city within a reasonable period of time thereafter.

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In addition, if bonds are to be issued to represent the security of any unpaid assessment, and the city council has adopted a resolution to that effect, the notice to repair shall specify that bonds are to be issued for that purpose, payable over a period of not to exceed six years, and that the maximum interest rate of interest on the unpaid indebtedness shall not exceed the rate permitted by section 53531 of the government code, payable semiannually.

38.08.079 Time for commencement and completion of repairs by owner.

The owner shall commence the repairs required by the notice to repair within sixty (60) days after the owner elects either to perform the repairs himself, or hire a licensed contractor to perform the repairs, or within sixty (60) days after service of the second notice, whichever occurs first, and once commenced the repairs shall be diligently and without interruption prosecuted to completion.


38.08.080 Failure to make required repairs.

If, after notice to repair has been given, the owner fails to make the repairs required by the notice within the time prescribed in this division, the director shall within a reasonable period of time thereafter cause the city to make the required repairs, and the cost thereof shall be a lien on the lot or lots of the owner, fronting on the defective sidewalk.

DATE PASSED FOR PUBLICATION: November 23, 1993

DATE ENACTED: **NOV 30 1993**

DATE EFFECTIVE: December 30, 1993


MAYOR

ATTEST:


CITY CLERK

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