

ORDINANCE NO. 428, FOURTH SERIES.

AN ORDINANCE DETERMINING THE OBLIGATION AND DUTY OF PERSONS IN RESPECT TO DEFECTIVE SIDEWALKS IN FRONT OF THEIR PREMISES; TO PROVIDE FOR ENFORCEMENT; AND FIXING A PENALTY FOR VIOLATION OF THIS ORDINANCE.

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

SECTION 1. It is hereby made the duty and obligation of any person owning real property in the City of Sacramento to repair any defective sidewalk lying in front of or along the side of his said property.

SECTION 2. It is hereby made the duty and obligation of any tenant of real property in the City of Sacramento to report to the Superintendent of Streets of said City in writing the fact that any defective sidewalk exists in front of or along the side of the property occupied by him.

SECTION 3. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by not more than Five Hundred Dollars (\$500.00) fine or by imprisonment for a term not to exceed six months in the City Jail, or by both such fine and imprisonment.

SECTION 4. It shall be the duty of the City Manager, through the proper departments, to enforce this ordinance.

SECTION 5. If, in consequence of any such sidewalk being defective and in condition to endanger persons passing thereon, any person, while exercising ordinary care to avoid the danger, who suffers damage to his person or property through such defect, may have recourse for damages thus suffered against the person failing to repair said defect or the person failing to report the defect as in this ordinance provided.

SECTION 6. In the event that the defect is caused by a

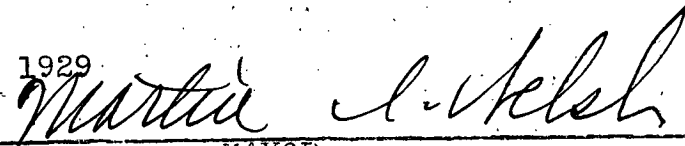
tree root, the Street Superintendent shall have power and authority to cut said root or give permission to cut same; provided, however, if said root be other than a surface root, the said Superintendent of Streets shall consult the Superintendent of the Park Department concerning same.

SECTION 7. It is not the intent to change the procedure concerning sidewalk repairs set forth in the Improvement Act of 1911; but to provide alternative and supplementary procedure, in which the procedure of the Improvement Act of 1911 is adopted with the change in respect to notice as herein above provided.

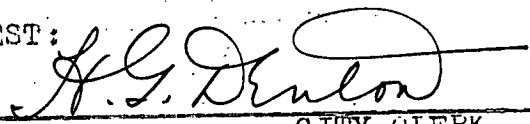
SECTION 8. Should any section or part of a section, or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED: July 5th, 1929

EFFECTIVE: August 4th, 1929


MAYOR

ATTEST:


CITY CLERK