

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING CHAPTER 2 OF TITLE 7 OF THE COALINGA MUNICIPAL CODE RELATING TO SIDEWALKS, CROSSWALKS, CURBS, GUTTERS, AND DRIVEWAYS

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1. Section 7-2.01. Definitions is hereby amended to read as follows:

"Director of public works" as used in this chapter means the director of public works of the city, his designee, or the person appointed by the city manager to perform the duties of the director of public works as specified in this chapter.

"Sidewalk" as used in this chapter means an improved public thoroughfare designed for pedestrian and other non-motorized travel, and 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.

"Third person" as used in this chapter means an individual or a person, including a public agency, but does not refer to the city, its officers, employees, or agents.

Section 2. Section 7-2.06 – Duty to maintain sidewalks. Is hereby amended to read as follows:

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 third 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 third persons shall be under a like duty in relation thereto.

Section 3. Section 7-2.07. – Notice to repair. Is hereby amended to read as follows:

A. 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 director of public works or his designee shall notify the owner of such sidewalk so out of repair, to repair the sidewalk.

B. 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 the city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

Section 4. Section 7-2.08. – Contents of postal card notice. Is hereby amended to read as follows:

A. The postal card shall contain a notice to repair the sidewalk so out of repair, and the director of public works or his designee shall, immediately upon mailing of the notice, cause a copy thereof printed on a card of not less than eight inches by ten 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 director of public works may, not less than seven days nor more than ten 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 section, but shall not extend the time for commencing repairs specified by this chapter.

B. 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 director of public works shall make such repair, and the cost of same shall be a lien on the property.

Section 5. Section 7-2.09. – Repair by director of Public Works – Notice and hearing. Is hereby amended to read as follows:

If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the director of public works shall forthwith repair the sidewalk. Upon the completion of the repair, the director of public works shall cause notice of the cost of the repair to be given in person or by mail in the manner specified above for the 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 director of public works of the cost of 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.

Section 6. Section 7-2.10. – Report of repairs. Is hereby amended to read as follows:

Upon the completion of the repair, the director of public works shall prepare and file with the city council a report specifying the repairs which have been made, the cost of the repairs, a description of the real property adjacent to the repairs

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.

Section 7. Section 7-2.11. – Hearing and assessment – Notice of Lien. Is hereby amended to read as follows:

A. Upon the day and hour fixed for the hearing, the city council shall hear and pass upon the report of the director of public works, 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 city council 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 city council may adjourn the hearings from time to time. The decisions of the city council on all protests and objections shall be final and conclusive.

B. The cost of repair may be assessed by the city council against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the city council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

Section 8. 7-2.12. – Owner liable for injury from out of repair sidewalks. Is hereby amended to read as follows:

The person or entity required by Section 7-2.05 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a non-dangerous condition as required by this chapter, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

Section 9. The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Coalinga, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

This Ordinance shall take effect thirty (30) days after its adoption

ATTEST:

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regularly scheduled meeting held on July 16, 2020, and was passed and adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Date: _____, 2020

Mayor, City of Coalinga

City Clerk, City of Coalinga