

## **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 7-2.02 – Permits: Required is hereby amended to read as follows:

It shall be unlawful for any person to construct or install, or cause to be constructed or installed, any sidewalk, crosswalk, curb, gutter, or driveway, where such structure is constructed of concrete or other permanent substance on or in any public street, alley, or other public way or easement dedicated to the public use in the City, without first obtaining a permit therefor as provided in this chapter.

No work on the construction or installation of any project as provided in this chapter shall be started, continued, or completed until an application has been made therefor and a permit issued therefor as provided in this chapter.

**Section 3.** Section 7-2.03 – Permits: Applications is hereby amended to read as follows:

The permits required by Section 7-2.02 of this chapter shall be issued by the Public Works Director or such other person as may be designated from time to time by resolution of the Council. Such applications shall be in writing and shall be signed by the person or his authorized agent, or by the authorized representative of the firm or corporation desiring or intending to construct or install, or cause to be constructed or installed, the particular improvement set forth in Section 7-2.02 of this chapter. Such applications shall set forth the nature of the project to be constructed or installed, its exact location and dimensions,

and other pertinent facts. Such applications shall also show, by plot plan, profile, dimensions, and description, as the circumstances may require, the exact manner in which the construction or installation conforms to the official standards of location, grade, and specifications of construction and materials as are now, or may hereafter be, established by the City.

It shall be the duty of the issuing officer, before issuing a permit, to inspect the application, and he shall ascertain that the project described in such application conforms in every respect to the standards and specifications of the City then in force and effect. A permit shall be issued only if the project, as set forth in the application, conforms to such standards and specifications.

Applications shall be consecutively numbered, and each permit issued shall pertain solely to the application identified by number, date, and signatory for which the permit is issued.

**Section 4.** Section 7-2.04 Permits: Fees is hereby amended to read as follows:

To partly cover the cost of the setting of grades, inspections, and the maintenance of appropriate records, the issuing officer shall collect a fee for each permit issued pursuant to the provisions of this chapter and in accordance with the provisions of Resolution No. 580, on file in the Office of the City Clerk.

**Section 5.** Section 7-2.05 Violations: Penalties is hereby amended to read as follows:

Any sidewalks, crosswalks, curbs, gutters, or driveways which have been installed by any person without obtaining written permission, or which are installed in a manner which does not conform to the provisions of the written permit, shall be subject to removal on the order of the Public Works Director.

Any person installing sidewalks, crosswalks, curbs, gutters, or driveways without first obtaining written permission from the Public Works Director shall be deemed guilty of an infraction and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code.

**Section 6.** 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 7.** 7-2.06. – Owner liable for injury from out of repair sidewalks. Is hereby amended to read as follows:

The person or entity required by Section 7-2.06 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 8.** 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 August 20, 2020, and was passed and adopted by the City Council at a regular meeting held on September 6, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Date: \_\_\_\_\_, 2020

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Mayor, City of Coalinga

\_\_\_\_\_  
City Clerk, City of Coalinga