

ORDINANCE NO. 4355
**AN ORDINANCE CONCERNING LANDOWNER RESPONSIBILITY AND
LIABILITY FOR SIDEWALK SAFETY AND MAINTENANCE**

The Board of Supervisors of the County of Ventura, ordains as follows:

Section 1. Findings.

A. Pursuant to section 5610 of the Streets and Highways Code, landowners adjacent to public sidewalks are responsible for maintaining such sidewalks in such condition that the sidewalk will not endanger persons or property or interfere with the public convenience in its use.

B. Pursuant to section 5615 of the Streets and Highways Code, the superintendent of streets (Director, Transportation Department) may repair and maintain a sidewalk, if the adjacent landowner does not, and assess and charge the abutting landowner for the cost of such repairs.

C. Under the Streets and Highways Code and the Ordinance Code of Ventura County, the adjacent landowner currently bears no responsibility to the general public for maintaining safe conditions on adjacent sidewalk, other than a duty of ordinary care, and cannot be held liable for personal injuries borne by the general public resulting from unsafe sidewalk conditions.

D. Accordingly, this Ordinance clarifies the sidewalk maintenance responsibilities of adjacent landowners, and makes them liable to members of the general public for personal or property damage that results from the landowner's failure to maintain the adjacent sidewalk.

Section 2. Adoption.

The Ordinance Code of the County of Ventura is hereby amended by adding Chapter 7 to Division 12, as follows:

Chapter 7 Maintenance and Repair of Sidewalks.

**Sections: 12701 General Provisions
12702 Responsibilities
12703 Liability for injuries to the public**

12701 GENERAL PROVISIONS:

For the purpose of this chapter:

- a. "Sidewalk" 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.

- b. The Director, Transportation Department is designated the Superintendent of Streets.

12702 RESPONSIBILITIES:

- a. The maintenance and repair of sidewalk areas and the determination and collection of assessments for the cost and expenses of said maintenance and repair may be done in accordance with this section and the procedure provided in the California Streets and Highways Code, section 5610 et seq.
- b. The owners of lots or portions of lots adjacent to or fronting on any portion of sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses thereof.
- c. For the purposes of this section, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalk, repair and maintenance of curb and gutters, removal of weeds and or debris, supervision and maintenance of signs, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition that will not interfere with the public convenience in the use of said sidewalk area.
- d. Notwithstanding the provisions of section 5614 of the California Streets and Highways Code, the Superintendent of Streets may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period not to exceed 90 days from the time the notice required by said section 5614 is given.

12703 LIABILITY FOR INJURIES TO THE PUBLIC:

Any person required by Section 12702 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 nondangerous condition. If, as a result of the failure of any person to maintain the sidewalk area in a safe and nondangerous condition as required by Section 12702, any person suffers injury or damages to person or property, the owner shall be liable to such person for the resulting damages or injury.

Section 3 Severance Clause.

The Board of Supervisors declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this Ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause, or phrase of this Ordinance is held invalid, the Board declares that it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

Section 4. Publication.

This Ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the County of Ventura within fifteen days after its adoption. The foregoing Ordinance was introduced and read at the regular meeting of the County of Ventura held on the 5th day of December 2006, and was adopted by the following vote following a second reading on the 12th day of December 2006, by the following vote:

AYES: BENNETT, LONG, MIKELS, FLYNN + PARKS

NOES: NONE

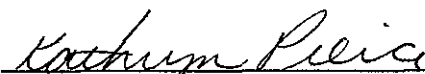
ABSENT: NONE



Linda Parks, Chair
BOARD OF SUPERVISORS

ATTEST: JOHN F. JOHNSTON,
Clerk of the Board of Supervisors,
County of Ventura, State of California



By: 

Deputy Clerk of the Board

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY DECEMBER 12, 2006 AT 9:30 A.M.

ORDINANCE NO. 4355 / 239

ORDINANCE CONCERNING LANDOWNER RESPONSIBILITY AND LIABILITY FOR
SIDEWALK SAFETY AND MAINTENANCE

An ordinance of the Board of Supervisors of the County of Ventura concerning landowner responsibility and liability for sidewalk safety and maintenance is presented to the Board at this time, and upon motion of Supervisor Long, seconded by Supervisor Mikels, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4355.

Board members vote as follows:

Ayes: Supervisors Bennett, Long, Mikels, Flynn and Parks

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4355.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, a newspaper of general circulation printed and published in the County of Ventura, State of California.

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